

Agenda Item	2
Report No	PLN/007/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 30 January 2024
Report Title: 22/05533/S36: Kirkton Energy Farm Ltd
Land 1800m SW of Kirkton Cemetery, Melvich
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection and operation of a wind farm comprising of 11 wind turbines of up to 149.9m blade tip height, battery energy storage system, access tracks, substation, control building, 2 borrow pits, temporary construction compound and associated development for a period of 30 years.

Ward: 1 – North, West and Central Sutherland

Development category: National Development (S36 Application)

Reason referred to Committee: Section 36 Application

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **RAISE AN OBJECTION** to the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of Kirkton Energy Farm and associated infrastructure. The application is for 11 wind turbines to be operated for a 30 year period, with all turbines having a maximum blade tip height of 149.9m. The proposal has capacity to generate up to 52.8MW of installed capacity, based on the power rating of the proposed turbines alone.
- 1.2 Key elements of the development, as described and assessed within the proposals and the Environmental Impact Assessment Report (EIAR) include:
- 11 wind turbines of 149.9m height to blade tip (capable of generating approximately 4.8MW each), with internal transformers;
 - 1 substation compound to accommodate 33kV Switchgear;
 - 1 control and metering building approximately 14m x 23m and 7m high within the substation compound;
 - 20MW Battery Energy Storage System within the substation compound which would cover an area of 75m x 100m;
 - 11 turbine foundations (approximately 25m diameter);
 - Crane hardstandings (approximately 35m x 35m and 1m in depth, with an area for additional crane pads at 85m x 5m);
 - Associated new and upgraded access tracks;
 - Underground cabling along the side of the access tracks;
 - Up to 2 borrow pits covering approximately 32,000m²; and
 - Temporary construction compound approximately 125m x 50m.
- 1.3 The proposed development will access the public road network from the A836 via the existing Kirkton Farm Road, which will be upgraded to have a running width of 4.5m. The existing track which leaves the public road (Kirkton Farm Road) near the Old Kirkton Burial Ground and continues into the site would also be upgraded and new tracks established throughout the site in order to access all proposed turbines.
- 1.4 A micro-siting allowance of 25m has been assumed by the applicant for the turbine locations (so long as infrastructure moves no closer to any identified watercourses), to accommodate unknown ground conditions. The micro-siting will be used to avoid any areas of deeper peat, higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets. The final design of the turbine (colour and finish), aviation infrared lighting, ancillary electrical equipment, landscaping and fencing etc. would also be expected to be agreed with the Planning Authority, by condition, at the time of project procurement.
- 1.5 As permission is sought to operate the windfarm for 30 years, a further application would be necessary to determine any future re-powering proposal. If the decision is

made to decommission the wind turbines, all components, and above ground infrastructure would be removed. Any such track or infrastructure foundation retention would however need to be agreed via a decommissioning method statement and would require a planning application at the time of decommissioning the remainder of the site. Any application for retention of such infrastructure will be determined in line with the development plan in place at that time.

- 1.6 The applicant anticipates that the construction period will last approximately 18 months, guided by a Construction and Environmental Management Plan (CEMP).
- 1.7 Whilst public consultation for Section 36 applications is not mandatory, the applicant held one in person consultation event to seek the views of the local community on 6 October 2021 at Strathy Community Hall. The applicant held a second public consultation online on 16 March 2022, which aimed to provide notification of the nearly finished design and layout of the proposed development, as well as providing a response to feedback received at the October 2021 public exhibition. All households within approximately 10km of the site boundary were written to, to advise them of the public exhibitions. The applicant also met with a number of community councils and community groups. In addition, correspondence and meetings with the local community took place throughout 2021 and continued into 2022 to discuss the progress of the project.
- 1.8 The applicant made use of the Council's Pre-Application Advice Service for Major Developments in January 2021. At the time of the advice being sought, the proposal comprised of 12 turbines. This advice set out that the most significant effects would likely be landscape and visual impacts, with the impact on the Caithness and Sutherland Peatlands Ramsar Special Area of Conservation (SAC) and Special Landscape Area (SPA) Site, West Halladale Site of Special Scientific Interest (SSSI), and the presence of Carbon Rich Soils, Deep Peat and Priority Peatland Habitat being key considerations. It was set out that the horizontal extent of the then proposed scheme was of concern due to the potential impact on the transition between the rugged west and the settled east.
- 1.9 The application is supported by an Environmental Impact Assessment Report (EIAR), the contents of which has been informed through an EIA Scoping exercise in Spring 2021 with the Scottish Government's Energy Consents Unit in consultation with other consultees including the Council. The EIAR contains chapters on: EIA Methodology; Project Description; Policy Framework; Carbon Balance; Socio-economics; Traffic and Transport; Noise; Landscape and Visual Impacts; Cultural Heritage; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Peat; Shadow Flicker and Safety; and Infrastructure. The application is also accompanied by a Planning Statement, a Design and Access Statement, a Pre-Application Consultation Report, and a Non-Technical Summary.
- 1.10 The applicant submitted Supplementary Environmental Information (SEI) in October 2023 in order to address concerns raised by the Council, SEPA, Nature Scot and the RSPB. This amends the location of Turbine 7 on site, by 53m to the north as well as the route of the proposed track between Turbines 5-11 and the amount of track to be floated.

2. SITE DESCRIPTION

- 2.1 The site is located approximately 2.1km to the south of Melvich, approximately 8.6km to the south east of Armadale, and approximately 7.9km south west of Reay. Access to the site is expected to be from the A836, taking the Kirkton Farm Road southward to Kirkton Farm.
- 2.2 The site predominately consists of moorland and grazing land, planted native woodland and blanket bog. The topography varies across the site between 20m to 160m Above Ordnance Datum (AOD), with the western extent of the proposed site forming the most elevated section. The application boundary covers an area of site size of approximately 419ha.
- 2.3 The site is characterised by sweeping moorland and flows, with a relatively small amount of coniferous woodland plantation to the north west of the site. A number of small tributaries run through the site and join the larger Halladale River to the east. There are some areas of Ground Water Dependent Terrestrial Ecosystems (GWDTes) within the site, but these are limited.
- 2.4 The majority of the site is shown to be Class 1 and Class 2 Priority Peatland Habitat as defined on NatureScot's Carbon and Peatland 2016 Map. Peat probing undertaken in May 2021 and January 2022, provided data for the identification of peat depths in excess of 1.5m. Where possible, proposed turbines and infrastructure would be located on areas of peat less than 1m deep.
- 2.5 The site's entire western boundary covers areas of statutory designated sites, these include:
- West Halladale Site of Special Scientific Interest (SSSI);
 - Caithness and Sutherland Peatlands Ramsar;
 - Caithness and Sutherland Peatlands Special Area of Conservation (SAC); and
 - Caithness and Sutherland Peatlands Special Protection Area (SPA).
- In addition to the designated sites, the proposed development site also lies in proximity of the following designated landscapes, as listed below:
- East Halladale Flows Wild Land, 1.3km east;
 - East Halladale (SSSI), 1.5km east;
 - Red Point Coast (SSSI), 4.6km north east;
 - North Caithness Cliffs (SPA), 4.4km north east;
 - Farr Bay, Strathy and Portskerra Special Landscape Area (SLA), 3.2km north west; and
 - Strathy Coast (SSSI), 2.7km north and north west.
- 2.6 A variety of habitats are present around the site. The EIAR investigated the potential impact of the proposals on otters, wildcats, pine marten, water vole, badgers, bats, and fish. The site and surrounds have been surveyed for breeding birds and transient birds.
- 2.7 There is a sand and natural aggregate quarry located approximately 1.3km north of the site entrance, and a biofuel plant located approximately 800m to the south east

of the site. Approximately 4.5km to the west of the site is the operational Strathy North Wind Farm, which comprises 33 wind turbines.

2.8 There are no formal recreational facilities located within the site itself, however, the Kirkton to Upper Bighouse Core Path (SU19.03) runs from north to south adjacent to the site's eastern boundary, adjoining the site's access on Kirkton Farm Road at its northern end.

2.9 When assessing a wind turbine proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the operational / under construction, consented and in planning projects that the applicant took into consideration in their cumulative assessment, dated August 2022 and updated October 2023. This assessment was based on a 40km study area with turbines of a tip height above 50m. The following list provides details of these developments, including the number of turbines and approximate blade tip height and distance to their site boundaries, from that of the proposed development.

Site Name	No. of Turbines	Blade-Tip Height	Distance from Kirkton Energy Farm (approx.)
Operational / Under Construction			
Strathy North	33	110m	6km W
Strathy South	39	135m - 200m	8.5km SW
Forss	2	76m	12.5km NE
Baillie	21	115m	13km NE
Bettyhill	2	119m	14km W
Achlachan	5	115m	26km SE
Causeymire	21	101m	27km SE
Bad a Cheo	13	112m	35km SE
Halsary	15	120m	35km SE
Boulfruich	15	75m	35km SE
Camster	25	100m	38km SE
Bilbster	3	93m	39.5km SE
Wathegar	5	100m	40km SE

Wathegar 2	9	110m – 126.5m	40km SE
Lochend	4	99.5m	40km NE
Consented			
Strathy Wood	13	180m	5km SW
Limekiln	21	139m – 149.9m	9km E
Limekiln Extension	5	149.9m	12km E
Dounreay Tri Offshore	2	201m	15km N
Hill of Lybster	1	99.5	17km NE
Tacher	1	130m	31.5km SE
Golticlay	19	130m	37km SE
In Planning			
Armadale	12	149.9m	7.5km W
Melvich	12	149.9m	1.5km N
Bettyhill 2	10	149.9m	13km W
Pentland (Offshore)	6	300m	15km N
Tormsdale	12	149.9m	26.5km SE
West of Orkney	125	360m	32.4km NW

3. PLANNING HISTORY

- 3.1 17.12.2020 20/05052/PREMAJ - Proposed wind farm of 12 turbines with tip heights of up to 149.9m. Onsite access tracks, crane hardstandings, a substation/control building, battery storage, cabling and a temporary construction compound. Major Pre-Application Response Issued

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|-----|------------|--|-------------------------------|
| 3.2 | 07.04.2021 | 21/01847/SCOP - Kirkton Energy Farm -
Erection and operation of a Wind Farm
comprising of up to 12 Wind Turbines with a
maximum blade tip height of 149.9m, access
tracks, anemometry mast, borrow pits,
substation, control building, battery storage
array and ancillary infrastructure. | Scoping
Response
Issued |
| 3.3 | 14.09.2021 | 21/04455/PAN - Kirkton Energy Farm -
Construction and operation of a Wind Farm
comprising up to 14 Wind Turbines with a
blade tip height of up to 149.9m and ancillary
infrastructure with an installed capacity of up to
70 megawatts (MW). | Response
Issued |

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application

Date EIA Advertised:

- Edinburgh Gazette: 2 December 2022
- Scotsman: 2 December 2022
- Northern Times: 2 and 9 December 2022

Date EIA SEI Advertised:

- Edinburgh Gazette: 27 October 2023
- Northern Times: 27 October 2023

Representation deadline (SEI): 1 December 2023

Timeous representations to Highland Council: 2 objections

Timeous representations to Scottish Government
Energy Consents Unit: 6 objections, 4 support
comments

4.2 Material considerations raised in objection are summarised as follows:

- Proposals do not accord with the development plan;
- Visual impact on the setting of the North Sutherland landscape;
- Adverse noise levels from both construction and the operational phases;
- Impacts on the residential amenity of surrounding properties;
- Adverse impact on forestry, habitats and biodiversity, including designated habitats and protected species;
- Adverse impact on fishery interests;
- Construction impacts of the proposals in terms of noise, pollution and disruption to the local road network;
- Issues with the accuracy of the applicant's Environmental Impact Assessment Report (EIAR);
- Impact on the setting of the proposed Flow Country World Heritage Site;
- Impact on the North Coast 500 as a tourist asset and on businesses along the route;

- Impact on croftland; and
- Lack of strategic focus in national energy and planning policy

4.3 Material considerations raised in support are summarised as follows:

- Development would help meet the Scottish Government's renewable energy generation targets;
- Development's design mitigates landscape and visual impacts;
- Proposals will economically benefit the area;
- Proposals may allow greater access to the countryside; and
- Proposals would ensure viability and diversification of a rural business.
- Community benefit / socio economic benefits.

4.4 Non-material considerations raised in objection are summarised as follows:

- Lack of grid capacity and oversupply of renewable energy generation in the north of Scotland.

4.5 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Those representations received by the Scottish Government's Energy Consents Unit can be accessed via www.energyconsents.scot It should be noted that some representations may have been submitted to both The Highland Council and Energy Consents Unit.

5. CONSULTATIONS

Consultations Undertaken by the Highland Council

- 5.1 **Access Officer:** does not object to the application. It has been identified that there is limited public recreational use of the land within this proposed development site, therefore construction impacts are expected to be restricted to roads associated with the public road by Kirkton Cemetery where core path SU19.03 starts. A Recreational Access Management Plan will be expected to be secured via condition to manage public access during the construction period, should the proposals receive consent.
- 5.2 **Archaeology (Historic Environment Team):** do not object to the application. It has been identified that the application area is considered to have medium to high archaeological potential with direct impacts predicted on at least four undesignated sites; Township SLR13, a mound SLR24, and two prehistoric houses SLR34 and SLR35. A condition to secure a detailed Written Schemes of Investigation is requested.
- 5.3 **Development Plans Team:** do not object to the application and provided information on the planning policy context.
- 5.4 **Ecology Officer:** objects to the application due to the adverse impact upon the candidate Flow Country World Heritage Site (cWHS). 7 of the 11 proposed turbines are located within the cWHS boundary, with the remaining 4 turbines in very close proximity to the boundary. The direct and indirect loss of blanket bog habitat and its hydrology due to the development would adversely impact the extent and quality

of the blanket bog habitat within the cWHS, therefore negatively impacting the Outstanding Universal Value (OUV), and thus not supporting National Planning Framework 4 Policies 3 (b) (iv) and 7 (l).

- 5.5 **Environmental Health:** does not object to the application subject to conditions relating to operational noise.
- 5.6 **Flood Risk Management Team** do not object to the application.
- 5.7 **Transport Planning Team:** do not object to the application, subject to conditions. Conditions include a Construction Traffic Management Plan (CTMP), a Road Mitigation Schedule of Works and transport report for the effected routes to be submitted and approved by The Highland Council prior to the commencement of development. Any works required within or alongside Council maintained roads will also require the prior written consent of The Highland Council, as Roads Authority.

Consultations by Energy Consent Unit

- 5.8 **British Telecom:** do not object to the application and have no further comments.
- 5.9 **Crown Estate Scotland:** do not object to the application and have no further comments.
- 5.10 **Defence Infrastructure Organisation:** does not object to the application, subject to conditions including aviation lighting and aviation charting and safety management.
- 5.11 **Fisheries Management Scotland:** do not object to the application but do strongly recommend that the applicant uses the guidelines from Fisheries Management Scotland (FMS), in conjunction with Marine Scotland Science (MSS) when considering the planning, construction and monitoring phases of the proposed development.
- 5.12 **Highland and Island Airports:** do not object to the application. The proposals would not infringe on the safeguarding criteria for Wick Airport.
- 5.13 **Historic Environment Scotland:** do not object to the application; however, they have raised concerns regarding the potential impacts on the setting of the Halladale Bridge Hut Circles, Scheduled Monument SM3304.
- 5.14 **Ironside Farrar:** did not object based on the content of the applicant's Peat Landslide Risk Assessment.
- 5.15 **Joint Radio Company:** do not object to the application and have no further comments.
- 5.16 **Marine Science Scotland:** do not object to the application, but requested that electrofishing surveys are necessary in order to fully understand the potential impact on fish populations as a result of the development. These could be secured via condition.

- 5.17 **Mobile Broadband Network Limited:** do not object to this application; however, they note that any movement of Turbine 1 eastwards of more than 20m could create an issue with an existing microwave link.
- 5.18 **National Air Traffic Control Services:** do not object to the application as the proposal does not conflict with the safeguarding criteria for air traffic.
- 5.19 **NatureScot:** do not object to the application, subject to conditions, so that the works are done strictly in accordance with the mitigation detailed by the Agency, in their response of 13 April 2023. Concerns are however raised regarding the proposal, noting that the application site includes areas of priority peatland of national interests. NatureScot noted specific mitigation measures with regard to the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Special Protection Area (SPA) and Caithness Lochs SPA NatureScot also raised concerns that the applicant's assessment underplays the landscape and visual impacts of the scheme, and the impacts on the East Halladale Flows Wild Land Area (WLA). A further response raised additional concerns regarding the impact on the candidate Flow Country World Heritage Site (cWHS).
- 5.20 **Northern Districts Salmon Fisheries Board:** do not object to the application and have no further comments.
- 5.21 **RSPB:** initially objected to the application due to the lack of information and assessment of the effects of the proposals on species associated with the Caithness and Sutherland Peatlands Special Protection Area (SPA). Further to considering the applicant's Supplementary Environmental Information (SEI), this objection was withdrawn we withdraw our objection on this point, subject to a condition securing a Habitat Management Plan.
- 5.22 **Scottish Forestry:** does not object to the application. They do however require further information regarding the Compensatory Planting (CP) proposed. As per the Control of Woodland Removal Policy, a CP Plan must be approved by Scottish Forestry before the applicant can proceed with the development and the felling of trees.
- 5.23 **Scottish Water:** does not object to the application.
- 5.24 **SEPA:** do not object to this application, subject to conditions. These conditions include suitably protecting Groundwater Dependent Terrestrial Ecosystems (GWDTE); minimising negative impacts on peat and carbon loss; protect and enhance wetland and peatland where possible and to improve carbon sequestration and natural water management; protecting the water environment and avoid increasing flood risks; ensuring that construction works are carried out in line with the measures prescribed in the submission; and ensuring that reinstatement and decommissioning works are carried out in a way that is sensitive to the environment.
- 5.25 **Transport Scotland:** does not object to the application, subject to conditions being attached to any consent regarding abnormal load deliveries via the trunk road network.

- 5.26 **UHF Communications (Atkins):** do not object to the application and have no further comments.
- 5.27 **Virgin Media:** does not object to the application; however, turbine 1 would be located 187m west of a microwave link. Therefore, if turbine 1 is proposed to move any closer to the west, an objection would be raised.
- 5.28 **Vodafone:** do not object to the application and have noted that the current clearance of approximately 148m from the tip of the blade of Turbine 1 to the fixed link radio path, and the other proposed turbine locations should be acceptable to Vodafone. This is the case accounting for the potential 25m micrositing of the proposed turbines.

6. DEVELOPMENT PLAN POLICY

- 6.1 The following policies are relevant to the assessment of the application:

National Planning Framework (NPF) 4 (2023)

- 6.2 The NPF4 policies of most relevance to this proposal include:

National Development 3 (NAD3) – Strategic Renewable Electricity Generation and Transmission Infrastructure

- 1 – Tackling the climate and nature crisis
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 5 – Soils
- 7 – Historic assets and places
- 11 – Energy
- 13 – Sustainable transport
- 22 – Flood risk and water management
- 23 – Health and safety
- 25 – Community wealth benefits
- 33 – Minerals

Highland Wide Local Development Plan (2012)

- 6.3
- 28 – Sustainable Design
 - 29 – Design Quality and Place-making
 - 30 – Physical Constraints
 - 31 – Developer Contributions
 - 51 – Trees and Development
 - 52 – Principle of Development in Woodland
 - 53 – Minerals
 - 55 – Peat and Soils
 - 56 – Travel
 - 57 – Natural, Built and Cultural Heritage
 - 58 – Protected Species
 - 59 – Other important Species
 - 60 – Other Importance Habitats
 - 61 – Landscape

- 62 – Geodiversity
- 63 – Water Environment
- 64 – Flood Risk
- 66 – Surface Water Drainage
- 67 – Renewable Energy Developments
- 68 – Community Renewable Energy Developments
- 69 – Electricity Transmission Infrastructure
- 72 – Pollution
- 77 – Public Access
- 78 – Long Distance Routes

Caithness and Sutherland Local Development Plan (2018) (CaSPlan)

- 6.4 No policies or allocations relevant to the proposals are included in the adopted Local Development Plan. It does, however, confirm the boundaries of the Special landscape Area within the plan's boundary.

Onshore Wind Energy Supplementary Guidance (2016) (OWESG)

- 6.5 The document provides additional guidance on the principles set out in HwLDP Policy 67 - Renewable Energy Developments. The Guidance sets out the Council's agreed position on onshore wind energy matters, and, although reflective of Scottish Planning Policy at the time of its adoption prior to the adoption of NPF4, the document remains an extant part of the Development Plan and is therefore a material consideration in the determination of onshore wind energy planning applications. Nevertheless, the Spatial Framework included in the document is no longer relevant to the assessment of applications as in effect, the policies of NPF4, specifically Policy 11 Energy, removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms will not be acceptable, or Group 3, Areas with potential for wind farm development.
- 6.6 The OWESG also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and the Caithness Sensitivity Study. The site falls within the Caithness Sensitivity Study area.

Other Supplementary Planning Policy Guidance

- 6.7 The following Supplementary Guidance also forms a statutory part of the Development Plan and is pertinent to the determination of this application:
- Developer Contributions (Nov 2018)
 - Flood Risk and Drainage Impact Assessment (Jan 2013)
 - Green Networks (Jan 2013)
 - Highland Historic Environment Strategy (Jan 2013)
 - Highland's Statutorily Protected Species (Mar 2013)
 - Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
 - Onshore Wind Energy: Interim Supplementary Guidance (Mar 2012)

- Physical Constraints (Mar 2013)
- Special Landscape Area Citations (Jun 2011)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

Emerging Highland Council Development Plan Documents and Planning Guidance

- 7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation post National Planning Framework 4. Until the replacement plan reaches Proposed Plan stage, it is not a material consideration in the determination of this application.
- 7.2 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

Other National Guidance and Policy

- 7.3
- Onshore Wind Energy Policy Statement (2022)
 - Draft Energy Strategy and Just Transition Plan (2023)
 - Scottish Energy Strategy (2017)
 - 2020 Routemap for Renewable Energy (2011)
 - Energy Efficient Scotland Route Map, Scottish Government (2018)
 - Siting and Designing Wind Farms in the Landscape, SNH (2017)
 - Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (2020)
 - Wind Farm Developments on Peat Lands, Scottish Government (2011)
 - Historic Environment Policy for Scotland, HES (2019)
 - PAN 1/2011 - Planning and Noise (2011)
 - PAN 60 – Planning for Natural Heritage (2008)
 - Circular 1/2017: Environmental Impact Assessment Regulations (2017)

8. PLANNING APPRAISAL

- 8.1 The application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S36 applications in the same way as a planning application, as a consent under the Electricity Act will carry with it deemed planning permission.
- 8.2 Schedule 9 of The Electricity Act 1989 contains tests in relation to the impact of proposals on amenity and fisheries. These considerations mean the developer requires to:
- have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
 - reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- 8.3 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of a number of considerations, and therefore Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, is not engaged. That said, the application still requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.4 The key considerations in this case are:
- a) Development Plan / Other Planning Policy
 - b) Energy and Economic Benefit
 - c) Construction
 - d) Roads, Transport and Access
 - e) Water, Flood Risk, Drainage and Peat
 - f) Natural Heritage (including Ornithology)
 - g) Built and Cultural Heritage
 - h) Design, Landscape and Visual Impact (including Wild Land Areas)
 - i) Noise and Shadow Flicker
 - j) Telecommunications
 - k) Aviation
 - l) Other Material Considerations

Development Plan / Other Planning Policy

8.5 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the adopted Caithness and Sutherland Local Development Plan (CaSPlan) and all statutorily adopted supplementary guidance.

National Policy

8.6 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. It comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future and includes six spatial principles (just transition / conserving and recycling assets / local living / compact urban growth / rebalanced development / rural revitalisation. Part 1 sets out that there are eighteen national developments to support the spatial strategy and regional spatial priorities, which includes single large-scale projects and networks of smaller proposals that are collectively nationally significant.
- Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
- Part 3 – provides a series of annexes that provide the rationale for the strategies and policies of NPF4. The annexes outline how the document should be used, and set out how the Scottish Government will implement the strategies and policies contained in the document.

8.7 The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that Scotland's environment is a national asset which supports our economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require to reflect the long term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy.

8.8 The proposed development is of national importance for the delivery of the national Spatial Strategy, whereby in principle support for the development is established. As the proposed development would be capable of generating over 50 MW, it is of a type and scale that constitutes NPF4 National Development 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure

8.9 At the high level, NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy

and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change. This aim is not new and will clearly require a balancing exercise to be undertaken, which is reflected throughout the document.

- 8.10 NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while contributing to the enhancement of biodiversity, as required by NPF4 Policy 3.
- 8.11 Specific to this proposal, as well as the support in Policy 1 (significant weight will be given to the global climate and nature crisis when considering development), Policy 11 of NPF4 supports all forms of proposals for renewable, low-carbon and zero emission technologies including wind farms. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met, as set out in Annex 1 of the NPF4. This includes consideration against the provisions of the Development Plan, of which NPF4 is a part.
- 8.12 Complementing those policies is NPF4 Policy 4 Natural Places, which sets out that development proposals by virtue of type, location, or scale that have an unacceptable impact on the natural environment will not be supported. The policy goes on to clarify what that means for different designations. It sets out that proposals with likely significant effects on European sites (SACs or SPAs) require appropriate assessment, and that development proposals that will affect a National Park, NSA or SSSI will only be supported where: i) the objectives of designation and the overall integrity of the areas will not be compromised; or ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 8.13 Similarly, sites designated in Development Plans for local nature conservation or Special Landscape Areas (SLAs) are protected in NPF4 Policy 4 unless the development will not result in significantly adverse effects on its qualities or its integrity, or, these effects are clearly outweighed by social, environmental, or economic benefits of at least local importance.
- 8.14 The most significant policy change for Natural Places brought about by NPF Policy 4 is with regard Wild Land Areas, which states that renewable energy developments that support national targets will be supported in Wild Land Areas (WLA) and that buffer zones around WLAs will not be applied, so that effects of development outwith WLAs will not be a significant consideration.
- 8.15 Given the proposals are partly located within the Candidate Flow Country World Heritage Site, NPF 4 Policy 7 Historic Assets and Places is also relevant.

Development proposals affecting a World Heritage Site will only be supported where their Outstanding Universal Value is protected and preserved.

- 8.16 Specific for energy developments, NPF4 Policy 11 states that the principle of all forms of renewable, low-carbon, and zero emission technologies is supported with the exception of wind farm proposals located in National Parks or National Scenic Areas. Policy 11 Part c) qualifies this position by stating that wind farms should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities. The policy goes on to state that while significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on reduction of greenhouse gas emissions targets, the development's impacts, including cumulative impacts, must be suitably addressed and mitigated against. In this regard, the Highland Council has consistently given significant weight to a development's contribution to environmental targets prior to the adoption of NPF4.
- 8.17 NPF4 Policy 11 Part e) sets out the additional project design and mitigation requirements for energy proposals. This includes a broad range of matters akin to those to be assessed under HwLDP Policy 67. This includes consideration of the landscape and visual impacts and advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. Members will be aware that the concept of wind energy developments that have only localised impacts as being more likely to be acceptable is not new and is also reflected in previous Highland Council planning decisions. However, the landscape and visual impacts of a proposal of 12 turbines at 149.9m in height remains challenging to be entirely contained, as reflected in the significant adverse impacts identified within the EIAR and through the consultation process. While the adopted NPF4 reflects a stronger presumption in favour of all national scale energy developments, judgment still requires to be applied at the project level to ensure proposals do not have unacceptable landscape and visual impacts even if the contribution to national renewable energy targets is considerable.
- 8.18 On that point it is noted that both legislation and planning law indicate that where there may be incompatibility between NPF4 and the Local Development Plan (LDP) (HwLDP, CaSPlan and Highland Council Supplementary Guidance) published prior to NPF4, then the more recent document shall prevail. Notwithstanding however, in instances of incompatibility, this requirement may not eliminate the provisions of the LDP in their entirety whilst these documents remain an extant part of the adopted Development Plan. That means that the Council may wish to still give considerable weight to the provisions of its LDP over national policies where there is strong justification for doing so, such as where the Council feels that LDP policy is better equipped to respond to local matters of importance or site-specific conditions for example.

Highland wide Local Development Plan (HwLDP)

- 8.19 The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. HwLDP Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied that they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to 11 specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and the 2022 Onshore Wind Energy Policy Statement, to achieve the right development in the right place; it is not to allow development at any cost.
- 8.20 Although HwLDP Policy 67, the OWESG and NPF4 Policy 11 are compatible, NPF4 expresses greater support for renewable energy projects outwith National Parks and NSAs, and requires greater weight to be attributed to the twin climate and biodiversity crises in the decision making process, whilst still recognising that a balancing exercise must still be carried out.

Area Local Development Plan

- 8.21 The Caithness and Sutherland Local Development Plan (CaSPlan) does not contain land allocations related to the proposed development. It confirms the boundaries of Special Landscape Areas within the plan area. HwLDP Policies 28, 57, 61 and 67 seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact section of this report.
- 8.22 The CaSPlan contains policies on Long Term Sites and Implementation (Policy 2). This sets out that major development will only be supported where it is demonstrated that the proposal will conserve and enhance biodiversity within and adjacent to a site. This is similar to the approach taken in National Planning Framework 4 and will be considered in the relevant sections of this report. The CaSPlan also sets out that developers will be required to demonstrate that adequate capacity to serve the proposal exists or can be created by a programmed improvement or via direct developer provision or funding. Where this is appropriate, the need for enhancements to infrastructure will be highlighted in this report.

Onshore Wind Energy Supplementary Guidance (OWESG)

- 8.23 The Council's OWESG forms part of the Development Plan and remains a critical document in the determination of applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aids consideration of applications for onshore wind energy proposals.
- 8.24 The OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG Para 4.16 - 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed

“thresholds” in order to assist the application of HwLDP Policy 67. The 10 criteria are particularly useful in considering visual impacts, including cumulative impacts. An appraisal of how the proposal relates to the thresholds set out in the criteria, is included in Appendix 3 of this report.

- 8.25 The Landscape Sensitivity Appraisal for Caithness was published in 2017 and forms part of the statutorily adopted OWESG. The turbine envelope for this application generally falls within area CT4 Central Caithness, a landscape area described as flat to gently undulating where the guidance advises “there is some limited potential for further commercial scale development in this LCT, to concentrate and consolidate with existing development”. The proposals also border on area CT10 Strath Halladale, where the guidance advises that there is no scope for medium to large scale turbines, although small and micro turbines, below 20m to blade tip height, may be able to be accommodated.

Onshore Wind Energy Policy Statement (2022), Draft Energy Strategy and Just Transition Plan (2023) and Onshore Wind Sector Deal for Scotland (2023)

- 8.26 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, 20GW. This is set against a currently installed capacity of 9.4GW (June 2023). Therefore, a further 10.6GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target, Scotland would play a significant role in meeting the requirement of 25-30GW of installed capacity across the UK identified by the Climate Change Committee.
- 8.27 Like the previous iteration of the Onshore Wind Energy Policy Statement, the document recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and economic benefits to Scotland must be maximised. In taking this approach, this echoes Scotland’s Third Land Use Strategy.
- 8.28 The document recognises that there may be a need to develop onshore wind energy development on peat. While peatland is present on the site, it is considered that appropriate mitigation has been applied by design and peat management can be secured by condition.
- 8.29 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document. The proposed development does lead to such benefits being delivered, however the scale of the benefits are not demonstrably greater than those one would expect on any such wind farm development of commensurate size prior to the advent of Adopted NPF4.
- 8.30 Additionally, the document acknowledges that in order for Scotland to achieve its climate targets and the ambition for the minimum installed capacity of 20 GW by 2030, the landscape will change. However, the OWEPS also sets out that the right

development should happen in the right place. Echoing NPF4, the document sets out that significant landscape and visual impacts are to be expected and that where the impacts are localised and / or appropriate mitigation has been applied the effects will be considered acceptable.

- 8.31 The role of Landscape Sensitivity Appraisals in considering wind energy proposals is promoted through the document. This highlights the importance of applying those contained within the Council's OWESG when assessing applications.
- 8.32 Finally, the document considers some of the wider benefits and challenges faced by in delivery of ambition and vision for onshore wind energy in Scotland. These include shared ownership, community benefit, supply chain benefits, skills development and financial mechanisms for delivery. Technical considerations are also highlighted, those relevant to this application have been considered and mitigation, where required has been secured by condition.
- 8.33 The Draft Energy Strategy and Just Transition Plan has been published for consultation. Ministers will likely give consideration to this document in their decision on the application. Unsurprisingly, the material on onshore wind in the document reflects in large part that contained in NPF4 and the Onshore Wind Energy Policy Statement 2022. Therefore, there is no further matters arising from the document to bring to the attention of Members in relation to this application.
- 8.34 To deliver the ambition for onshore wind, the Onshore Wind Sector Deal for Scotland was introduced in September 2023. The document focuses on necessary high level actions by Government and the Sector to support onshore wind delivery. Jointly, Government and the Sector are committed to working together to ensure a balance is struck between onshore wind and the impacts on land use and the environment. The document looks to expediate decision making and consent implementation to achieve 20 GW of installation by 2030, meaning we should be seeing faster decisions on applications that are already in the system, with more consents being build out.

Energy and Economic Benefit

- 8.35 The Council continues to respond positively to the Government's renewable energy agenda. Installed onshore wind energy developments in Highland account for around 30% of the national installed onshore wind energy capacity, with a substantial number of onshore wind farm applications pending consideration at present. While The Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant widespread effects.
- 8.36 Notwithstanding any impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets, with the development having the potential to generate up to 52.8MW of electricity, with an additional 20MW of battery storage capacity. Based on a typical capacity factor,

the development is likely to generate the equivalent energy to supply the approximate domestic needs of 49,167 average UK households.

- 8.37 Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 35,599 tonnes of carbon could be displaced by the development per year. There will however also be carbon losses as a result of the development, including those related to turbine manufacture and impact on peat. These losses would equate to a total of approximately 132,483 tonnes of carbon. As a result, the applicant anticipates that the estimated carbon payback period for the development would be approximately 1.6 years, again based on a grid mix (including both renewables and fossil fuels), with the proposal reported by the applicant to have an overall beneficial effect on climate change mitigation.
- 8.38 The proposed development anticipates a construction period of approximately 18 months and an operational period of 30 years. Such projects can offer investment/opportunities to the local, Highland, and Scottish economy, including businesses ranging across the construction, haulage, electrical and service sectors.
- 8.39 There is also likely to be some adverse effects caused by construction traffic and disruption, as well as some adverse economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site.
- 8.40 The assessment of socio-economic impact offered by the applicant suggests a minor beneficial economic impact resulting from the development. It has identified that the capital cost of the development would be around £57 million and of that £47 million would be construction costs. It is anticipated that approximately £1.1 million of net Gross Value Added (GVA) would boost the local economy, with the Scottish economy receiving approximately £6.7 million GVA during the construction phase of the proposed development. The applicant concludes that 11 Full Time Equivalent (FTE) jobs would be created during the construction phase. The assessment of socio-economic impact offered by the applicant suggests a minor beneficial economic impact resulting from the development. It has identified that the capital cost of the development was estimated to be approximately £57 million, although the applicant's assessment does not break down how much would be spent in the Highland Council area during the construction phase. In terms of employment, a total of 16 person-years of gross temporary employment is predicted to be generated in the local area during the 18-month construction phase. This amounts to an average of 11 FTE jobs per annum during construction.
- 8.41 In relation to NPF4 Policy 11 Energy, part c) which requires proposals to maximise economic benefit, in EIA terms, the overall effect on the local economy is reported to be minor (beneficial) during construction, and thereafter the operational effect would be minor (beneficial), in terms of the labour market. The socio-economic benefits such as employment, associated business and supply chain opportunities associated with this proposal would be consistent with NPF4 Policy 11 part c) with this being reflective of recent appeal decisions where Reporters have clarified that there are considerable supply chain benefits associated with onshore wind farms.

8.42 The applicant also notes that there will be economic benefits to the local community and economy arising from the community benefit fund proposed. It is understood that the applicant has agreed in outline to enable the community to purchase up to 10% of the value of the project. The applicant also suggests that local residents could benefit from an electricity discount scheme, based on either a £400 contribution to their annual home electricity bill or a lump sum payment of up to £4,500 to fund or part fund measures to improve the energy efficiency and decarbonisation of their home. A further discount scheme is also under discussion with a named energy provider, for eligible properties to receive a 50% energy discount while the proposed turbines are running. Prior to the publication of NPF4, Council policy and practice was for community benefit to be considered separately and outwith the planning application determination process. NPF4 Policies 11 Energy and 25 Community Wealth Building has however introduced an avenue for planning support to be given to proposals which either: a) contribute to local or regional community wealth building strategies and are consistent with local economic priorities; or b) are linked to community ownership and management of land. The Council has commissioned a study on what maximising benefits from development might look like with the intention of providing further guidance. Whether what is on offer, while not without merit, can be said to be considered as maximising socio-economic benefit, particularly for the wider Highland area will need to be an area for further discussion with the applicant should Scottish Ministers be minded to consent the development, as it would be THC's expectation that conditions and / or a legal agreement could be imposed to secure community benefit and the wider socio-economic benefits of the scheme.

Construction

8.43 It is anticipated that the construction period for the development would take approximately 18 months. The applicant's intended construction works will be scheduled from Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 16:00. That said, construction hours would usually be restricted to 08:00 to 13:00 on Saturdays and no working activities should take place on Sundays or Bank Holidays. Any additional working hours beyond this would require to be controlled by condition, with any extended working hours requiring the prior agreement of the project's Community Liaison Group (CLG). Any blasting on site shall only take place between the hours of 10:00 to 16:00 on Monday to Friday inclusive and 10:00 to 12:00 on Saturdays with no blasting taking place on Sunday or on Bank Holidays, unless otherwise approved in advance in writing by the Planning Authority. Environmental Health has indicated that the applicant's construction noise assessment is satisfactory.

8.44 The nature of the project anticipates the need for a Construction Environmental Management Document (CEMD), in association with the successful contractor engaged. This may be secured via condition and should include site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions. Such submissions are expected to be "plan based" highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. Due to the scale of the development SEPA will control pollution prevention measures relating

to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

- 8.45 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to provide a financial bond regarding final site restoration (restoration bond) in the event of non-wind turbine operation and to provide a Construction Traffic Management Plan (CEMP) for the use of the local road network.
- 8.46 Developers must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health and not Planning.
- 8.47 The applicant has anticipated a micro-siting allowance of 25m. Micro-siting is acceptable, within reason, to address unforeseen onsite constraints. Anything in excess of 50m may have a significant effect on the composition of a development, and in this case the applicant's proposed 25m limit is welcomed to ensure that the proposal's design and layout which underpins the scheme would not be materially changed. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micro-siting. A micro-siting limit of no more than 25m can be conditioned, with micro-siting to avoiding any areas of deeper peat, any higher elevations of ground (beyond 5m AOD), watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets.
- 8.48 Should the development be granted consent, a Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period. This could be conditioned.

Roads, Transport and Access

- 8.49 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with Scrabster Port at Thurso being the starting point of on-land turbine blade deliveries. The EIAR explains that the proposed development would lead to a temporary increase in traffic volumes on the road network during the construction phase. Traffic volumes would decrease considerably outside the peak period of construction. All construction vehicle (except abnormal loads) would enter the site from the east, having travelled along the A836. It is anticipated that all HGVs and deliveries will travel from further afield via the A9 to the A836, with no construction traffic travelling from the west. It is

assumed that the A897, which extends south from the A836 at Melvich to the A9 at Helmsdale, is not suitable for HGVs, therefore this route is not included, with this expected restricted through a Construction Traffic Management Plan condition.

8.50 The peak construction period (month 5 of the construction programme) would see the highest number of HGV two-way movements, which is expected to have an average of 17 daily two-way HGV trips. The applicant has also provided figures for a 'worst-case' scenario for two-way HGV deliveries which is demonstrated below.

	HGV/ AIL	Light Load	Total
Daily	22	48	70
Average Hour	2	4	6

8.51 The route to site proposed between Scrabster Port at Thurso and via the A836 to the site access. Temporary increase in traffic on the road network can be comfortably accommodated within the operating capacity of the road network. However, the components are larger than those previously transported along this road to date, and will likely need some accommodation works along the route, including at the junction of the A836 and provision of an upgrades site access. Improvement works have been identified for the Kirkton Farm Road, as the road will need to be widened to a minimum of 4.5m to accommodate the transport of the wind turbine components, as well as a turning area to the west of Kirkton Farm Road on third-party land. The details of these can be secured by condition. Further, the applicant proposes a range of mitigation such as the formation of a Community Liaison Group and the delivery of a Construction Traffic Management Plan (CTMP). In principle this type of mitigation is accepted subject to detailed consideration of the plan in due course.

8.52 The Council Transport Planning Team have reviewed the applicant's supporting information and are generally satisfied with the conclusions reached.

8.53 While no core paths are present directly through the application site or along the public road, the surrounding area is well used for recreational access to the outdoors as well as to gain access to Kirkton Cemetery where core path SU19.03 starts. The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a Recreational Access Management Plan could be secured via planning condition, should consent be granted.

Water, Flood Risk, Drainage and Peat

8.54 The EIAR is clear that a Construction Environmental Management Document / Plan (CEMP) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation; albeit there will be fewer sources of pollution during operation. The CEMD needs to be secured by planning condition. This will ensure the agreement of construction methodologies with statutory agencies following appointment of the wind farm balance of plant contractor and prior to the start of development or works.

- 8.55 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependent Terrestrial Ecosystems. A Water Quality Monitoring Plan (WQMP) will be developed to form part of the Construction Method Statement (CMS), which would be submitted to the appropriate planning authorities and bodies such as SEPA, and relevant fishery boards, prior to construction and development.
- 8.56 The site lies within tributary catchments of the Halladale River, specifically its western tributaries Allt na h-Eaglaise and Allt nan Gall. The site infrastructure is not considered to be at risk of flooding. Any watercourse crossings within the development will be regulated under SEPA's Controlled Activities Regulations (CAR) regime and will be designed to allow continuous flow. A detailed drainage strategy will be developed, details of which may be secured by condition to allow final assessment by SEPA and the Council's Flood Risk Management Team. The applicant has identified one private water supply in the area, which is not hydrologically connected to the development.
- 8.57 Several areas of the site are assessed as having high and moderate home Ground Water Dependent Terrestrial Ecosystems (GWDTEs). There is a potential for areas of the site infrastructure to change groundwater flow paths and contribution to areas of peat and GWDTEs during both the construction and operational phases of this project. The implementation of good construction practices will nevertheless be required to be implemented on site and a plan brought forward in the CEMD to ensure existing groundwater and surface water flow paths are maintained. In their consultation response, SEPA recommended a condition to secure a more detailed assessment of these habitats on site in advance of development commencing.
- 8.58 Deep peat, of more than 1 m, is present on the site. In their consultation response, SEPA recommend measures to avoid impact on this resource, including micro-siting to avoid deeper areas of peat, floating access tracks on areas of peat over 1m in depth and a requirement for a finalised Peat Management Plan. Should consent be granted, the production of a detailed Peat Management Plan may be secured via condition.
- 8.59 Large sections of the site are shown to be Class 1 (peatland), Class 2 (peatland with high potential to be restored), and Class 5 (no peatland vegetation). A smaller section within the central area of the site boundary is shown to be Class 3 (peatland with some heath) as defined on NatureScot's Carbon and Peatland 2016 Map. Peat probing undertaken in September 2020 and May 2021 (phase one) provided data for the identification across a 100m grid. Further probing was conducted in January 2022 (phase two) of peat depths varying from .05m to 5.2m in depth across the site. Where possible, proposed turbines and infrastructure would be located on areas of peat at or less than 1m deep.
- 8.60 An outline Peat Landslide Hazard and Risk Assessment has been submitted as part of the EIAR and have helped to inform the proposals. The applicant's risk

assessment identifies that the site is of low risk to peat instability. The finalisation of these documents may be secured via condition should consent be granted.

Natural Heritage (including Ornithology)

- 8.61 The site is not located directly within any natural heritage designations, with the exception of a small overlap in the north-western area of the site of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Special Protection Area (SPA). The applicant has submitted a Draft Habitat Management Plan in relation to these designations and any likely significant effects. The applicant has proposed mitigation for these impacts, including restoration of bog habitats in the area and longer-term monitoring and management of habitats across the site with respect to environmental conditions and encouraging protected bird populations.
- 8.62 The proposed site has been subject of an ecological survey, including a protected mammal survey. The desk study returned records of occasional use of the site by otters through otter sprainting and feeding signs along the lower reaches of the Allt na h-Eaglaise watercourse. However, no resting places were discovered within the study area. It is also worth noting that the presence of dry stone walls at the proposed abnormal load turning areas offer potential refugia for species such as adders and common lizard. Depending on whether any stone walling is to be removed as part of the proposed development at the abnormal load turning areas, further survey work may be required. The site was also subject to bat surveys, with bat activity and risk to bats from the development, low across the site.
- 8.63 In relation to ornithology, the applicant's assessment focussed on Fieldfare, Golden Eagle, Greylag Goose, Hen Harrier, Red-breasted Merganser, Shelduck and Teal. Other species were scoped out of the assessment due to their ecology, absence from or distance from the proposed development site. Collision Risk Modelling (CRM) was carried out for nine species for which levels of flight activity recorded over the site during the 24 months of viewpoint (VP) surveys (September 2019 – August 2021) and were deemed reasonable for such an assessment. The EIAR considers the residual significance level of identified effects during construction, operation, and decommissioning, either individually or cumulatively, would not be significant, providing that the recommended mitigation measures are implemented. Nature Scot have no objection to the proposal provided that the project is brought forward incorporating these mitigation measures and further mitigation specified by Nature Scot, including the production and implementation of a specific method statement, as part of the proposed Habitat Management Plan (HMP), for tree felling and peatland restoration works adjacent to the Caithness and Sutherland Peatlands SAC, production of a Breeding Bird Management Plan and finalised Deer Management Plan. Pre-construction surveys for otter must be carried out and a further Species Protection Plan for otter produced if required. Forest clearance adjacent to the Caithness and Sutherland peatlands SPA should be delayed until the wind farm is operational to provide screening for red throated diver, one of the SPA species. RSPB are content that the development in itself, would be unlikely to result in a significant adverse impact on the Caithness and Sutherland Peatlands SPA and SAC species, subject to a Habitat Management Plan with measures to enhance bird habitats, being secured via condition. The

Council Officers are content to allow the Nature Scot and RSPB comments to inform the ECU's decision on the proposals on these matters.

8.64 The site is located partly within the candidate Flow Country World Heritage Site (cWHS), with 7 of the 11 turbines in the designation. The applicant's Supplementary Environmental Information (SEI) contains a dedicated assessment of the impacts on the WHS and predicts that a total of 5.95 hectares of bog habitat will be lost as a result of the development, with the particular key vegetation communities impacted, detailed below, as considered through the consultation response from NatureScot.

Vegetation Community	Area Lost
M17 blanket mire	3.34ha permanently lost to development, with a further 2.34ha likely subject to indirect impacts or temporary loss.
M19 blanket mire	0.09ha permanently lost to development, with a further 0.18ha likely subject to indirect impacts or temporary loss.
Total	5.95ha

8.65 The Highland Council's Ecology Officer has noted through consultation that it is not possible to offset any impacts upon the cWHS in terms of the qualities of its Outstanding Universal Values (OUV), which include the peatland and its ecosystem processes. The direct and indirect loss of blanket bog habitat due to the development would adversely impact the extent and quality of the blanket bog habitat within the cWHS, therefore negatively impacting the OUV and as such, the Ecology Officer cannot support the proposals, considering them contrary to NPF 4 Policy 7(l). The proposals are also considered contrary to NPF 4 Policy 3 (b) (iv) in that, as the impacts to the cWHS cannot be offset, the proposals do not meet the requirements for conservation, restoration and enhancement of biodiversity.

8.66 NatureScot have also recognised that the proposed development will have a significant impact on the cWHS, with impacts on the blanket bog ecosystem being long term and largely irreversible. It is currently beyond the remit of NatureScot to raise an objection on the basis of World Heritage interests, with this responsibility currently sitting with The Highland Council as laid out in the Planning Position Statement, approved in May 2023. Nevertheless, Officer's concur with NatureScot's findings, with the development resulting in the loss of irreplaceable habitat unacceptable significant impact on the Outstanding Universal Values of the cWHS, with the proposals being contrary to NPF4 Policies 3 (b) (iv), 4 (a) and 7 (l), HwLDP Policies 57 and 67, should the cWHS be inscribed by UNESCO with this expected to be confirmed in June 2023.

Built and Cultural Heritage

- 8.67 There are no designated heritage assets within the site, but there are two category B listed buildings (LB12915, LB7141), of regional importance, within a 1km buffer of the proposed development site. A minor adverse effect has been identified with respect to three Scheduled Monuments, Halladale Bridge Hut Circles (SM3304); Leathad Carnaich (SM1876); and Milburn, Strath Halladale (SM13622). It is however, considered through the applicant's assessment, that the changes in setting affecting the monuments would not affect the integrity of the setting itself.
- 8.68 In respect of the Halladale Bridge Hut Circles (SM3304), Historic Environment Scotland (HES) had noted that the impacts on the setting of the Scheduled Monument would be of a greater magnitude than predicted through the applicant's assessment. Nevertheless, HES considered that these impacts did not raise issues of national importance and thus did not object to the proposals, although they encouraged the applicant to consider moving turbines 1,2 and 3 further to the west to lessen the predicted effects. On the basis that HES does not object, Officers did not seek any further amendments to the proposal in this regard.
- 8.69 The Council's Archaeologist has noted that the application area is considered to have medium to high archaeological potential, with direct impacts predicted on at least four undesignated sites; Township SLR13, a mound SLR24, and two prehistoric houses, SLR34 and SLR35. A paleoenvironmental survey would need to be carried out to complete the baseline recording of this area alongside a programme of archaeological works and a written scheme of investigation. This could be achieved via condition, should consent otherwise be granted.

Design, Landscape and Visual Impact (including Wild Land Areas)

- 8.70 A total of 19 viewpoints (VP's) across a 40km study area were assessed with regard to landscape and visual impact. Two of these viewpoints, 16 (Achnahuaigh) and 17 (Ben Loyal) were not assessed further beyond the EIA scoping stage, due to the limited visibility of the proposals evident from these locations. This is considered acceptable following further assessment by the Council Officers. The remaining viewpoints are representative of a range of receptors including recreational users of the outdoors and road users. The expected bare earth visibility of the development can be appreciated from the figures with photomontages and wirelines contained within the EIAR. The photomontages are considered to have been produced to an acceptable standard.
- 8.71 The methodology for the Landscape and Visual Impact Assessment (LVIA) is sufficiently clear, being generally in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3), with the assessment's methodology being provided within EIAR. This methodology has been used to appraise the assessment provided and to come to a view on what combination of effects on the sensitivity of receptor and magnitude of change are leading to a significant effect.
- 8.72 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors

i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.

- 8.73 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and area on the local road network both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. As such it is considered that road users are usually high sensitivity receptors.

Siting and Design

- 8.74 The applicant considers the site layout and design of the proposed development to be a part of an iterative design process for reducing the potential environmental effects of the energy park. The applicant has stated that throughout the design evolution of the proposed layout, a key driver was the consideration of potential landscape and visual effects on receptors, including how the proposed development would relate to the baseline landscape character. The design process started with 12 turbines before reducing to 11 turbines, still at 149.9m to blade tip to address technical constraints and landscape and visual issues. The proposed development is set back from the A836 which facilitates the North Coast 500 (NC500) route. However, from theoretical visibility mapping, the proposed Wind Farm could be visible in areas along the NC500 up to approximately 45km east and up to approximately 37km west, although this assumes a 'bare earth' model, without any other screening such as forestry or other built features.
- 8.75 From positions to the north and east, mainly within Strath Halladale, the development would be viewed as a single distinct linear array of turbines. Views of the wind farm will be mainly encountered by road users and recreational users of the outdoors.
- 8.76 The design of the development and its relationship with the surrounding landscape and features is best demonstrated by the visuals from:
- North: VP5 (Bighouse). This viewpoint represents views that would be obtained by residents, walkers and those accessing the Melvich Beach, looking southwest into Strath Halladale. All 11 of the proposed turbines would be visible to blade tip height. A limited proportion of the proposed development would be visible. However, the development would comprise a noticeable addition to the view with blade movement apparent. The continual motion of the blades above the landform would draw the eye and the turbines would be presented within a relatively narrow part of the view. The higher ground to the west side of Strath Halladale would also have the effect of framing the view and the proposed turbines would be visible above the horizon.
 - South: VP1 (A897 Strath Halladale). This viewpoint is representative of views that would be obtained by local residents and road users on the A897 in this part of Strath Halladale. The rising landform on the west side of Strath Halladale contains the view in this direction and predominately comprises

rough grassland and moorland. The proposed development would have the effect of introducing large scale turbines into an area where these elements are not currently present, along the prominent ridgeline of the western side of the Strath.

- East: VP8/C (Beinn Ratha) This viewpoint is representative of views that would be obtained by walkers visiting the summit of Beinn Ratha, located within the East Halladale Flows Wild Land Area (WLA) 39. The proposed development would lie partly in front of, but also extending to the right of, the operational Strathy North Windfarm and those of Strathy South, which is under construction. The blades of the proposed turbines would overlap with those within the operational and consented developments which are more distant. The proposed turbines would extend across the gap between Strathy North and the two operational Bettyhill turbines. The relative elevation of the viewpoint means views are above the landform of the proposed Kirkton site and it is possible to perceive the land separating the proposed turbines from these operational and consented sites. This, combined with the relative distance to the turbines, means that the Kirkton Energy Park would read as a separate, distinct development, at closer proximity to this viewpoint.
- West: VP10 (A836 West of Armadale) This viewpoint is representative of views that would be obtained by road users travelling in an easterly direction on the A836. The proposed development would be screened by an intervening moorland ridge, which is a more distant ridge between two closer low hills. The more open, expansive views from this viewpoint are to the south / southwest, away from the site. The movement in the blades would be discernible as they break the horizon and would be seen against the sky. The A836 is roughly orientated east to west and the views towards the site would be slightly oblique for travellers in an easterly direction.

8.77 The proposal also incorporates a substation building and switchgear compound alongside a battery storage compound. While the detailed design of these elements is indicative at this stage, the compound will measure approximately 75 x 100m, with buildings a maximum of 7m in height.

8.78 Strathy North is the only operational windfarm within a 10km radius of the site, consisting of 33 turbines up to 111m tip height. The proposals would therefore introduce a group of fewer turbines, but at a larger scale, than that currently operational in the vicinity. The proposed development would most closely associate with a very loose cluster of operational wind energy sites comprising Bettyhill to the west and Strathy North to the southwest.

8.79 The pattern of consented windfarm development in the area is of turbines that are predominantly set back from the coast and the bases of straths and at least partially screened from settlements and main transport routes by intervening higher ground. The more recently consented developments in the area range from 180m to blade tip height (Strathy Wood) to up to 200m to blade tip height (Strathy South). The existing turbines at Strathy North are of a smaller scale, but in greater numbers and laid out in more widely spaced groups. Due to the siting of the proposals, it

would only be possible to read as an extension of existing, operational windfarm developments, from wider viewpoints located outwith the immediate area.

- 8.80 As originally brought forward, under 20/05052/PREMAJ, the proposals were for a scheme with two rows of turbines. Following comments from the Council Officers, the applicant has adopted the pre application advice to deliver a linear scheme of well-spaced turbines of constant height following the contour of the Strath. The applicant's decision to maintain turbines not exceeding 150m in height also avoids the need for visible aviation lighting, as is the decision to have internal turbine transformers, resulting in less visual clutter within the site. These design matters can be secured by condition should consent be granted.

Ancillary Infrastructure

- 8.81 The applicant has identified that a grid connection will be required and has applied for a substation, however, the likely form, direction or length of connection remains uncertain with this being subject to a separate application. The applicant has however, provided an indicative routing, following a similar path to the existing overhead line from the Strathy North development.
- 8.82 The access point to the site will be located off an upgraded Kirton Farm Road and in making use of this existing connection, acts to reduce further visual impacts on the A897 running along the foot of Strath Halladale. The two proposed borrow pit areas are also set back from this route on the edge of the Strath to the West.

Landscape Impact

- 8.83 There are several aspects to consider in determining whether this development represents an acceptable degree of impact on landscape character, including:
- impacts on the Landscape Character Type (LCT) as a whole and on neighbouring LCTs; and
 - direct impacts on landscape designations and impacts on surrounding landscape designations.
- 8.84 The development lies within the Sweeping Moorland and Flows Landscape Character Type (LCT 134). This is a relatively large LCT and there is limited built development within a close proximity to the proposed development site other than the operational Strathy Wood and Strathy North Wind Farms towards the south east of the application site. The applicant has set out in its assessment of impact on the LCT that the relationship between the proposed development and existing development, as well as the surrounding topography, reduces the extent to which the development influences the wider LCT. The presence of existing wind farms within the LCT reduces the susceptibility to change of this LCT, as does the visibility of more distant wind farms along the A836 towards the east. Where the proposals would be visible, this would generally be in the context of existing wind farm development, most notably at Strathy North.
- 8.85 The proposals would somewhat relate to the human influenced character of the LCT 134, including commercial forestry, quarrying and agricultural development in proximity to the site. The removal of commercial forestry to facilitate the wind farm

is also upheld by the applicant, as, in association with peatland restoration, it would renew a key element of the landscape character. Nevertheless, the proposals would increase the influence of wind energy development locally and the landscape impacts of the scheme would be particularly visible in the northern part of LCT 134, near its boundary with other types. As a result, the applicant has identified that there will be a substantial impact on the LCT extending to approximately 10km from the proposed wind farm.

- 8.86 The applicant has also identified a significant impact on the Strath Caithness and Sutherland Type (LCT 142) confined within the trough of Strath Halladale. In contrast to the impacts on LCT 134 as discussed above, where the proposals would be seen from within this type, they would be visible in isolation. Nevertheless, the ordered design of the array would serve to mitigate the impacts of the proposals on the LCT.
- 8.87 The applicant has not identified significant effects on any other surrounding LCT. This is accepted given the intervening topography and distance. NatureScot do not object to the proposals on landscape grounds and are generally in agreement with the applicant's assessment of the landscape impacts, as are the Council Officers.
- 8.88 The proposed development is not situated within any formal landscape designation. However, the Farr Bay, Strathy and Portskerra Special Landscape Area (SLA) is located directly to the north of the proposal site.
- 8.89 Parts of the SLA are highly sensitive to change, most notably the mosaic formed of the moorland and crofting settlements and the sense of 'big skies' and extensive open views within the area. The applicant's assessment predicts localised significant landscape and visual impacts within the SLA. While the Council Officers acknowledge these impacts, it is not considered that the overall integrity of the SLA would be impacted. Nevertheless, in terms of views out across the SLA, the proposals will impact upon one of its Special Qualities, the 'Dramatically Intricate Coastline and Forceful Sea.' The area comprises a distinctive rocky coastline, typically viewed from the cliff tops. The complex assemblage of headlands and cliffs form unique features along the coastal edge. As is particularly evident from VP9 (Totegan, near Strathy Point), the proposed turbines would form a feature on the skyline above the cliffs of Strathy Bay, framed by the landform and water. However, due to the set back of the proposed development from the cliff edge, within the more open moorland to the south, and considering that only blade tip visibility will likely be possible, it is not considered that the presence of the turbines would diminish the perceived scale of the coastal cliffs, and Council Officers consider that no unacceptable impacts on the SLA would occur, and that the special qualities of this neighbouring SLA have overall been suitably respected. The applicant has also assessed the effects on all other scoped in landscape designations within the LVIA study area; with no other significant effects having been identified. This is agreed by the Council Officers and Nature Scot.

Wild Land

- 8.90 In relation to Wild Land Areas, the applicant's assessment notes that the proposals will impact on Wild Land Area (WLA) 39: East Halladale Flows. The proposal would add large scale turbines close to the western edge of the WLA and would be clearly

visible form parts within it. The assessment argues however, that these impacts would not alter views to the south of the WLA, which is the direction in which the qualities of wildness are most strongly expressed.

- 8.91 NatureScot has advised that they are generally in agreement with the applicant's assessment noting the continuing attrition of this designation from wind energy developments in the area, and this is also accepted by the Council Officers. It is important to note that with the introduction of NPF4 in February 2023 there has been a significant policy change brought about by NPF4 Policy 4, which states that renewable energy developments that support national targets will be supported in Wild Land Areas (WLA) and that buffer zones around WLAs will not be applied, so that effects of development outwith WLAs will not be a significant consideration.

Visual Impact

- 8.92 The Council considers visual impact using the criterion set out in Section 4 of the OWESG, with assessment against the criterion and view as to whether the threshold set out in the guidance is met or not, is contained in Appendix 3 to this report. Unsurprisingly, as visual impact assessment combines objective and subjective aspects through the application of professional judgement, there are differences between the applicant's assessment and the appraisal undertaken.
- 8.93 The applicant's assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be extensively visible in most directions out to a distance of around 15km. Beyond this distance there will be more intermittent visibility.
- 8.94 Whilst a large scale wind energy scheme would be expected to result in significant visual impact effects, the Council, through the OWESG, also acknowledges that significant effects does not automatically translate to unacceptable effects. Following a review of the applicant's Landscape and Visual Impact Assessment (LVIA), there are areas of difference between Council Officers and the applicant.
- 8.95 Consideration of each viewpoint based on the applicant's methodology is contained within Appendix 2 of this report, as is a summary of the applicant's assessment and the Officer's appraisal of the assessment, which highlights the differences and any concerns with regard to visual impact. The EIAR includes a visual impact assessment from each of the 19 viewpoints.
- 8.96 Most viewpoints are considered to be used by receptors of high sensitivity and susceptibility to wind energy development, although it is acknowledged that not all receptors experiencing the development from all viewpoints would have a high sensitivity to the development. What follows is a summation of the visual impacts grouped by receptors.

Impact on Road and Rail Users

- 8.97 The primary impact on road users on through routes would be incurred on the A836, which runs east to west along the coast north of the site and settlement of Melvich and also forms part of national Cycle Route 1, linking Inverness and John O' Groats. It is accepted that views of the proposal would vary due to the undulating

and twisting setting of the road. The impact on road users on the A836 will be most pronounced travelling from east to west, at the vicinity of VP4, (A836 Junction to Bighouse) where all 11 turbines would be visible, creating a new focal point in views to the south, although one oblique to the road direction. At distances beyond 5km east of this point, there would be reductions in the number of the proposed turbines visible, with only limited visibility of blade tips evident at VP's19 (A836 at Balmore) and 14 (A836 Forss). To the west of Melvich, for road users travelling east, there would be limited visibility of the proposals, due to the intervening, screening landform, as illustrated through VPs 7 (A836 West of Strathy) and 10 (A836 West of Armadale). The Council Officers generally concur with the applicant's conclusion of significant impacts along this route, that would be incurred only in the vicinity of the northern end of Strath Halladale, for approximately 4km distance.

- 8.98 The impacts on users of the A897, which runs south from Melvich along Strath Halladale, have been assessed as significant, with these effects being most pronounced around Viewpoints 1 (A897 Strath Halladale, Achiemore) and 2 (A897 Strath Halladale, Golval), where all 11 of the proposed turbines will be highly visible on the western ridgeline of the Strath. The ordered linear array of the proposed turbines is however, considered to mitigate the severity of these impacts to a limited degree, although they would be significant for an approximately 2km stretch of the route, north of Craigtown.
- 8.99 The impacts on users of the Far North Rail Line are not specifically assessed, however, Viewpoint 12 (Northern Edge of Causeymire) is located on the north facing slope of Cnoc nan Gall, to the south of the railway line between Forsinard and Altnabreac stations and provides an indication of possible views obtained by train passengers. The proposed development would be positioned on the far side of a ridge to the north west of this location and to the west of Sletill Hill, occupying small extent of views from this location. The lower parts of the proposed development would be screened by a combination of this intervening landform and the commercial forestry. As such, the visual impacts incurred by rail users are not considered significant.

Residential Receptors

- 8.100 The settlements of Melvich, Strathy and Portskerra are the nearest to the proposed development. The applicant's Zone of Theoretical Visibility (ZTV) illustrates that the theoretical visibility of the proposed development would be limited in relation to Melvich, predominantly occurring from the southern edge of the settlement. Within Strathy, to the northwest of the application site, visibility would be mainly limited to blade tips of the proposals. In both these settlements, the visual impacts of the proposals would be significant, albeit localised. To the north of Melvich in Portskerra, visibility would be more fragmented and the visual impacts are not expected to be significant. The applicant's assessment is generally agreed by the Council Officers in this regard.
- 8.101 The applicant has also prepared a dedicated Residential Visual Amenity Assessment featuring an approximately 2km study area around the proposed

development site within which, 19 residential properties are located with views of the proposals. At 12 properties, located along the eastern side of Strath Halladale and with a principal elevation facing the development, major effects on visual amenity are predicted. The turbine array would be positioned between approximately 1.6km and 2.4km from these properties and would be set back from edge of the elevated landform on the western side of Strath Halladale. While the proposed development would be a significant new feature within views from these properties, it would not block the only available view or overwhelm views in all directions. As such, the applicant concludes that in no case would the effects be so severe as to affect living conditions at the property to the point where it becomes an unattractive place to live.

Impact on Recreational Users of the Outdoors

- 8.102 The applicant does not consider that significant visual impacts will be incurred to recreational users of the landscape with several key exceptions. Users of National Cycle Route 1, which travels along the A836 will experience similar visual impacts to those discussed in the analysis of this route above, with significant impacts experienced locally in the Vicinity of VP4 (A836 Junction to Bighouse).
- 8.103 Significant visual impacts are predicted for users of the Kirkton to Upper Bighouse (SU19.03) and Melvich Beach (SU19.05) Core Paths, due to the proximity of these to the proposal site. Significant impact would also be incurred on the Beinn Ratha summit, (Viewpoint 8/C) which forms a local landmark close to the coastline and where the full extent of all 11 proposed turbines would be seen prominently, in front of the existing wind energy development at Strathy. There would also be significant effects on anglers on the River Halladale, although these might be moderated somewhat by intervening vegetation and the landform of the river banks. This assessment is generally accepted by the Council Officers. In their assessment of the landscape and visual impacts incurred by walkers at Viewpoint's 13 (Ben Griam Beg) and 15 (Ben Alisky), Nature Scot considered the the applicant's assessment of 'not significant' visual effects an underestimation although the Council Officers accept the applicant's assessment in this regard.

Cumulative Effects

- 8.104 When considering visual impact, it is important to consider the cumulative impact with other consented and proposed (application stage) developments. For the most part there will not be an inter-relationship between the proposed development and operational and consented schemes within the LVIA study area. With the exception of the Melvich Wind Farm proposal, where Members agreed to raise objection under 23/02320/S36, the outcome of other schemes currently at the planning stage is not considered by the applicant to materially change the individual visual impact appraisal.
- 8.105 Should the Melvich proposals proceed, it is considered that they would disrupt the regular, linear form of the Kirkton development. These visual impacts would be most noticeable at VP's 1 (Strath Halladale, Achiemore), 4 (A836 Junction to Bighouse) and 5 (Bighouse). From other viewpoints, however, most notably 1, 2 (A897 Strath Halladale, Golval), 3 (Southeast Edge of Melvich) and 9 (Totegan,

near Strathy Point) these proposals could serve to reduce the overall magnitude of visual impact of the Kirkton development, at least in solus.

Noise and Shadow Flicker

- 8.106 Predicted operational noise levels are expected to meet the derived noise limits. The Planning Authority would expect that a condition restricting operational noise levels to no more than 2dB above the predicted levels in the EIAR should the proposal be consented.
- 8.107 In terms of shadow flicker, it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to residential properties. 5 properties are included within the applicant's shadow flicker assessment study area, within 11 rotor diameters of the proposed turbines. The results confirmed that the properties assessed would experience a maximum of 14.6 hours at any one. This is not considered to be significant when measured against the guideline threshold available of 30 hours per year.

Telecommunications

- 8.108 Subject to satisfying the concerns raised by Virgin Media and Vodafone in their consultation response, it is considered that potential interference with radio / television networks in the locality can be addressed. A condition should be sought to secure a scheme of mitigation should consent be granted.

Aviation

- 8.109 There are no unresolved objections with regard to aviation interests, with no outstanding concerns being raised. Should the proposal be granted permission, a condition can be applied to secure suitable mitigation in terms of infrared aviation lighting only and notification to the appropriate bodies of the final turbine positions.

Other Material Considerations

- 8.110 The applicant has sought permission to operate the windfarm for 30 years. As with any wind farm, the Planning Authority would request that any forthcoming permission includes a clear description of development which specifies the precise number of turbines to be developed, the maximum blade tip height, the rotor diameter and includes details of all associated ancillary infrastructure with such matters not be left to planning conditions, which could lead to scope for further redesign or re-powering without requiring a full fresh consent.
- 8.111 At the end of its operational life, usual decommissioning and restoration requirements should therefore be secured. If the decision is made to decommission the wind farm, all components, track access and associated infrastructure requires to be removed from the site. The Planning Authority also requires that any foundations remaining on site; the exposed concrete plinths would also be removed to a depth of 1 m below the surface, graded with soil and replanted. Cables also require to be cut away below ground level and sealed. It would be expected that any new tracks or areas used for constructing the wind farm would

be reinstated to the approximate pre-development condition, unless otherwise agreed with the Planning Authority.

- 8.112 The requirements to decommission at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft DRP for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.
- 8.113 A finalised Decommissioning and Restoration Plan (DRP) for the site reflecting best practice measures at its time of preparation, would also be required. The finalised DRP would be expected to be submitted to and approved in writing by the Planning Authority in consultation with SEPA no later than 12 months prior to the final decommissioning of the site. The detailed DRP would then be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.
- 8.114 Given the complexity of major developments, and to assist in discharge of conditions, the Planning Authority usually seeks that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

9. CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and be situated in appropriate locations. The project has potential to contribute to addressing the climate emergency through additional renewable energy production.
- 9.2 Without doubt, the turbines proposed will increase the visibility of wind energy development in the area local to the wind farm site. Nevertheless, the development is well set back from the interface between the coastal and more inland landscape types that characterises the coast between Bettyhill and Portskerra and as a result, the impacts on the integrity of the landscape character and sense of place of the area are generally considered acceptable.
- 9.3 However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan, which includes NPF4. Officers have assessed this application principally against the policies set out in NPF4 and the Development Plan, including Policy 67 of the Highland wide Local Development Plan with its eleven tests which are expanded upon with the OWESG. This policy also reflects policy tests of other policies in the plan, for example Policy 28. Unfortunately, whilst the overall design and layout of the wind farm has some merit, it is sited on peatland, with 7 of the proposed turbines located within the candidate Flow Country World Heritage Site.

- 9.4 Unfortunately, the proposed development will lead to direct and indirect loss of blanket bog habitat and its hydrology. As such, the development would adversely impact the extent and quality of the blanket bog habitat within the candidate Flow Country World Heritage Site, in that these losses cannot be mitigated and as such, cannot be achieved without negatively impacting one of the site's Outstanding Unique Values (OUV's). NatureScot have also raised concerns on these matters, and it is considered that the proposed wind farm and the cWHS cannot coexist, with Officer recommending that the integrity of the cWHS takes priority at this critical juncture ahead of the WHS's potential inscription.
- 9.5 Schedule 9 of the Electricity Act sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had insufficient regard to the desirability of preserving natural beauty, and has not done what is reasonable to mitigated the effects on the natural beauty of the countryside. This is by virtue of the location, setting and design of the wind farm, resulting in peatland habitat and hydrological impacts on the candidate Flow Country World Heritage Site which cannot be accommodated. Officers are also not satisfied that environmental effects of this development can be addressed by way of mitigation.
- 9.5 Given the above analysis, the application is considered to be contrary to the Development Plan, national policy and is unacceptable in terms of the applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: If an objection is raised to the proposal, the application will likely be subject to a Public Local Inquiry.
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: The proposal has the ability to make a meaningful contribution toward the production of renewable energy, however would adversely impact upon the candidate Flow Country World Heritage Site.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

It is recommended to **RAISE OBJECTION** to the application for the following reason:

1. The application is contrary to NPF4 Policy 4 part (a), NPF4 Policy 7 part (l), Highland-wide Local Development Plan Policies 67 (Renewable Energy), and 57 (Natural Built and Cultural Heritage) in that it will lead to significant loss of peatland and bog habitat within the candidate Flow Country World Heritage Site (WHS). It is not possible to offset any impacts upon the WHS in terms of the qualities of its Outstanding Universal Values (OUV), which include the peatland and its ecosystem processes. Consequently, it is concluded that the

location, type and scale of the development will have an unacceptable impact on the receiving environment. The application fails to preserve amenity under Schedule 9 of the Electricity Act, as it has insufficient regard to preserving natural beauty of the countryside and does not reasonably mitigate the effect of the proposals. This is by virtue of the location, siting and design with the proposed development partly within the candidate WHS.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Michael Kordas
Background Papers: Documents referred to in report and in case file.
Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Site Location Plan	Figure 1.1		17 November 2022
Site Layout Plan	SEI Figure 3.1		23 October 2023
Typical Turbine Elevation	Figure 3.4		17 November 2022

Appendix 2 – Visual Assessment Appraisal

			Amended Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
VP1 - Strath Halladale, Achiemore (1.5km to nearest turbine)	App	High / medium (road users)	Major	Major / Major / moderate (road users)	Significant	Major	Major / moderate	Significant
	THC	High	Major	Major	Significant	Major	Major	Significant
<p>THC are in broad agreement with App's LVIA. This viewpoint is located in Strath Halladale, near the bridge over the Smigel Burn. It is representative of views that would be obtained by local residents and road users on the A897 in this part of Strath Halladale. All 11 of the proposed turbines will be visible from this location, to varying proportions of tower height. The viewpoint is at a small cluster of residential properties and a bunkhouse alongside the road, with an open aspect over Strath Halladale to the west. To the north and south are views along the Strath, whilst to the east the landform rises, limiting the extent of the view in this direction. The foreground landscape, and floor of the Strath are a mix of small to medium fields comprising pasture and rough grassland. There is a small area of commercial forestry on the western side of the Strath, together with further areas of forestry on the ridgeline further west. The rising landform on the west side of Strath Halladale contains the view in this direction and predominately comprises rough grassland and moorland. A small cluster of buildings, associated with the timber processing development at Upper Bighouse, is located towards the left side of the view, at the foot of the rising landform to the west.</p> <p>The proposed development would have the effect of introducing large scale turbines into an area where these elements are not currently present., along the prominent ridgeline of the western side of the Strath. Nevertheless, the array will be arranged in a regularly spaced liner fashion following the higher ground. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate. The sensitivity of road users is considered to be greater than stated as these in practice, will be most likely to either be local residents or visitors to the area, which are considered to have a high sensitivity as receptors in relation to other viewpoints within the study area.</p> <p>Should the Melvich Wind Energy Hub proceed, the more dispersed group of 12 turbines, viewed at a relatively close distance of some 1km to the north, might disrupt the regular, linear form of the Kirkton development.</p>								
VP2 - Strath Halladale, Golval (2.2km to nearest turbine)	App	High / medium (road users)	Major	Major / Major / moderate (road users)	Significant	Major	Major / moderate	Significant
	THC	High	Major	Major	Significant	Major	Major	Significant

Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Amended Proposed Development			Combined Development		
			Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the A897 towards the northern end of Strath Halladale, close to the residential properties of Golval and Akron. It is representative of views that would be obtained by local residents and road users in this part of Strath Halladale. All 11 of the proposed turbines will be visible from this location, to varying proportions of tower height. The viewpoint is located in a relatively elevated position on the eastern side of Strath Halladale, with an open view across the Strath to the west. To the north and south are views along the Strath, whilst to the east the landform rises, limiting the extent of the view in this direction. The foreground landscape, and floor of the Strath are a mix of small to medium fields comprising pasture and rough grassland, transitioning to improved pasture in the floor of the Strath. There are small areas of woodland (mixture of deciduous and coniferous trees) throughout the view, with these mainly located on the lower slopes on the western side of the Strath. Commercial forestry in the northern part of the site is located on the ridge towards the right side of the view. The rising landform on the west side of Strath Halladale contains the view in this direction and predominately comprises rough grassland and moorland, together with the areas of woodland and commercial forestry mentioned above. A small cluster of buildings at Kirkton are located towards the right side of the view towards the site.</p> <p>As was the case with Viewpoint 1 above, the proposed development would have the effect of introducing large scale turbines into an area where these elements are not currently present., along the prominent ridgeline of the western side of the Strath. Nevertheless, the array will be arranged in a regularly spaced liner fashion following the higher ground. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate. The sensitivity of road users is considered to be greater than stated as these in practice, will be most likely to either be local residents or visitors to the area, which are considered to have a high sensitivity as receptors in relation to other viewpoints within the study area.</p> <p>Should the Melvich Wind Energy Hub proceed, the presence of large scale turbines at the head of Strath Halladale to the north may somewhat reduce the overall individual contribution of the proposals to the cumulative visual impacts of windfarm development, but not to the degree where these impacts would not be significant.</p>							
VP3 – South East Edge of Melvich (3.1km to nearest turbine)	App	High	Moderate / minor	Moderate / minor	Not significant	Moderate / minor	Moderate / minor	Not significant
	THC	High	Moderate / minor	Moderate / minor	Not significant	Moderate / minor	Moderate / minor	Not significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is at the southwestern edge of Melvich. It is representative of views that would be obtained by residents on the edge of the village, visitors to the adjacent camping and caravan site, and road users travelling along the A836. 2 of the proposed turbines would potentially be visible to blade tip height. The viewpoint located at the northern end of Strath Halladale, close to where this meets the coastline. The view to the south is across the northern part of the Strath. The landform in the Strath is gently undulating and is backed by the more distant hills to the east and south. Loch Beag and Loch Mor are visible in the foreground to middle distance and form relatively small elements in the view. The rising landform on the west side on the Strath is the most prominent component of the view, with pasture transitioning to moorland with increasing elevation.</p>							

			Amended Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
<p>The proposals will introduce large scale turbines to views down the Strath to the south from this viewpoint. Nevertheless, these would not form a key point of focus from the location and the development would otherwise, be well screened from views by the higher ground to the north of the proposals and as such the applicant's assessment of the impacts on receptor's visual amenity is considered accurate</p> <p>Should the Melvich Wind Energy Hub proceed, it would be located prominently in the foreground of views to the south from this location. However, the impacts of the proposed Kirkton development alone are not considered as such, to add to the significance of the visual impacts from this viewpoint.</p>								
VP 4 – A836 Junction to Bighouse (3.7km to nearest turbine)	App	High / medium (road users)	Major	Major / moderate	Significant	Major	Major/ moderate	Significant
	THC	High	Major	Major	Significant	Major	Major	Significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located at the junction between the A836 and the minor road to Bighouse at the northern end of Strath Halladale. It represents views that would be obtained by road users, principally people travelling in a westerly direction along the A836 towards the northern part of Strath Halladale. All 11 of the proposed turbines would be visible. The foreground of the view comprises moorland together with the edges of some commercial forestry and coniferous woodland. Strath Halladale extends across the view, with the pasture within the Strath just visible, before transitioning to moorland on the rising landform to the west.</p> <p>As was the case with Viewpoints 1 and 2 above, the proposed development would have the effect of introducing large scale turbines into an area where these elements are not currently present., along the prominent ridgeline of the western side of the Strath, on the right of the receptor's viewpoint. Nevertheless, the array will be arranged in a regularly spaced liner fashion following the higher ground. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate.</p> <p>Melvich Wind Energy Hub, would lie directly to the north (right hand side of the wirelines) of Kirkton Energy Park. Melvich Wind Energy Hub could comprise a prominent addition to the view, contrasting with the linear configuration of turbines within the proposed development.</p>							
VP 5 – Bighouse (3.9km to nearest turbine)	App	High / medium (walkers)	Medium	Major / moderate	Significant	Major	Major / moderate	Significant
	THC	High	Medium	Major	Significant	Major	Major	Significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the minor road that terminates at Bighouse, where there is a group of listed buildings centred around the property of Bighouse. It is positioned to the south of the small cluster of residential properties at this location. It is also close to a Core Path (reference SU19.050) which is routed towards the coastline at Bighouse, with sections extending to the east of Bighouse and also to the west to Melvich. The section of Core Path towards Melvich crosses the Halladale River via a bridge and also provides access to Melvich Bay. The location is principally representative of views that would be obtained by residents, walkers and those accessing the beach, looking southwest into Strath Halladale. All 11 of the proposed turbines would be visible to blade tip height. A limited proportion of the proposed development would be visible. However, the development would comprise a noticeable addition to the view with blade movement apparent. The continual motion of the blades above the landform would draw the</p>							

			Amended Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
			<p>eye and the turbines would be presented within a relatively narrow part of the view. The higher ground to the west side of Strath Halladale would also have the effect of framing the view and the proposed turbines would be visible above the horizon. Nevertheless, the turbines would be slightly offset from the main focus of view, with this comprising the estuary which directs views southward towards Strath Halladale.</p> <p>The applicant's assessment of the impacts on receptor's visual amenity is considered accurate. The sensitivity of walkers is considered to be greater than stated as these in practice, will be most likely to either be local residents or visitors to the area, which are considered to have a high sensitivity as receptors in relation to other viewpoints within the study area.</p> <p>Cumulatively, Melvich Wind Energy Hub would lie directly to the right hand side of views from this location. Melvich Wind Energy Hub could comprise a prominent addition to the view and could contrast with the linear configuration of turbines within the proposed development.</p>					
VP6 – Portskerra (4.6km to nearest turbine)	App	High	Negligible	Minor	Not significant	Negligible	Minor	Not significant
	THC	High	Negligible	Minor	Not significant	Negligible	Minor	Not significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on a minor road within the settlement of Portskerra and as such, is representative of views from local residents. In practice, none of the proposed turbines are likely to be visible from this location, and if so, only to blade tips, with screening being provided by the intervening landform.</p> <p>Melvich Wind Energy Hub would lie in front of the proposed Kirkton development. Melvich Wind Energy Hub lies in closer proximity to this viewpoint and on the landform above Melvich and may comprise a prominent addition to the view. The Pentland Offshore Windfarm may also be visible, potentially intensifying the presence of wind farm development on the coast and in the sea to the northeast. However, given the very limited visibility predicted of the Kirkton proposals, for which the applicant's assessment of the impacts on receptor's visual amenity is considered accurate, the impact combined with baseline and proposed windfarms remains negligible overall</p>							
VP7 – A836 West of Strathy (6.9km to nearest turbine)	App	High / medium (road users)	Slight	Moderate / minor	Not significant	Slight	Moderate / minor	Not significant
	THC	High	Slight	Moderate	Not significant	Slight	Moderate	Not significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the A836 to the west of Strathy settlement. It is representative of views that would be obtained by road users travelling in an easterly direction on the A836. The view from this location is an open, exposed panoramic view. The primary element throughout the view is open moorland, which extends across the foreground and to the horizon in most directions. 9 of the proposed turbines would potentially be visible to blade tip height from this location.</p> <p>The majority of the proposed development would be screened by the intervening moorland ridge, which extends across the view in an easterly direction. However, the movement in the blades would be discernible, breaking the horizon and potentially being skylined. Nevertheless, the proposed development would be seen in views that are oblique to the direction of travel for road users and at a point on the route where the primary focus of the view is most likely to be toward the coastline and Strathy Bay. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate. The sensitivity of road users is considered to be greater than stated as these in practice, will be most likely to either be local residents or visitors to the area, which are considered to have a high sensitivity as receptors in relation to other viewpoints within the study area.</p>							

			Amended Proposed Development			Combined Development		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
Melvich Wind Energy Hub is likely to be visible above the ridgeline at this location. However, given the limited visibility of the Kirkton proposals predicted, the impact combined with baseline and proposed windfarms remains negligible overall.								
VP 8/C – Beinn Ratha (7.4km to nearest turbine)	App	High / medium	Medium	Major / moderate	Significant	Medium	Major / moderate	Significant
	THC	High	Medium	Major / moderate	Significant	Medium	Major / moderate	Significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the summit of Beinn Ratha. It is representative of views that would be obtained by walkers visiting the summit. All 11 of the proposed turbines would be visible from the location. Beinn Ratha is a relatively low, but notable summit. It extends above the lower lying, broadly horizontal moorland that surrounds it, which gives rise to open, expansive and panoramic views over the landscape and sea. The proposed development would lie partly in front of, but also extending to the right of, the operational Strathy North Windfarm and those of Strathy South, which is under construction. The blades of the proposed turbines would overlap with those within the operational and consented developments which are more distant. The proposed turbines would extend across the gap between Strathy North and the two operational Bettyhill turbines. The relative elevation of the viewpoint means views are above the landform of the proposed Kirkton site and it is possible to perceive the land separating the proposed turbines from these operational and consented sites. This, combined with the relative distance to the turbines, means that the Kirkton Energy Park would read as a separate, distinct development, at closer proximity to this viewpoint.</p> <p>The applicant considers that in the context of this overall pattern, the proposed development would not introduce a new or defining component in the landscape, but would be adding to the number of wind farms. The proposed development would represent a prominent, but localised change within the overall view and context of existing wind farms. The applicant's assessment of the visual impacts in this respect, is generally agreed.</p> <p>The applicant has assessed the sensitivity of walker as high / medium at this location, given the lack of evidence of signs that the summit is frequently visited and lack of core path connections in the area.</p> <p>The key proposed developments at planning application stage from this viewpoint are Armadale Wind Farm and Bettyhill Extension. These are located in the same direction as Kirkton Energy Park and would lie to the right and behind the proposed development as seen from this viewpoint.</p>							
VP 9 – Totegan, near Strathy Point	App	High	Medium	Major / moderate	Significant	Medium	Major / moderate	Significant
	THC	High	Medium	Major / moderate	Significant	Medium	Major / moderate	Significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the minor road leading towards Totegan at Strathy Point. It is principally representative of views that would be obtained by road users visiting Strathy Point and the dispersed residential properties in the vicinity of Totegan. All 11</p>							

Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Amended Proposed Development			Combined Development		
			Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
(9.1km to nearest turbine)	<p>of the proposed turbines may be visible to blade tip height from this location. The view from this location is an open, exposed panoramic view. The rocky coastline and sea are the primary focus with Strathy Bay lying towards the centre of the view.</p> <p>The lower parts of the proposed turbines would be screened by an intervening ridge, which extends across the view in an easterly direction. The movement in the blades would be apparent, breaking the horizon across this feature. The turbines would be seen in the opposite direction to Strathy Point from this location but they would be prominent in views along the coastline to the east. The applicant's assessment of the visual impacts in this respect, is generally agreed.</p> <p>The key proposed development at planning application stage from this viewpoint is Melvich Wind Farm, which would be considerably prominent along the cliffs above Strathy Bay, directly in front of the Kirkton proposals.</p>							
VP10 – A836 West of Armadale (10.8km from nearest turbine)	App	High / medium	Slight	Moderate / minor	Not significant	Slight	Moderate / minor	Not significant
	THC	High / medium	Slight	Moderate / minor	Not significant	Slight	Moderate / minor	Not significant
<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the A836 to the west of the settlement of Armadale. It is representative of views that would be obtained by road users travelling in an easterly direction on the A836. The view from this location comprises views across open moorland. 7 of the proposed turbines would be visible to blade tip height. The majority of the proposed development would be screened by intervening moorland ridge, which is a more distant ridge between two closer low hills. The more open, expansive views from this viewpoint are to the south / south west, away from the site. The movement in the blades would be discernible as they break the horizon and would be seen against the sky. The A836 is roughly orientated east to west and the views towards the site would be slightly oblique for travellers in an easterly direction.</p> <p>The applicant's assessment of the impacts on receptor's visual amenity is considered accurate. The sensitivity of road users is considered to be greater than stated as these in practice, will be most likely to either be local residents or visitors to the area, which are considered to have a high sensitivity as receptors in relation to other viewpoints within the study area.</p> <p>The only proposed development at planning application stage from this viewpoint is Armadale Wind Farm. This would be positioned across the foreground of the view in a south easterly direction. The proximity of the Armadale turbines would result in them comprising a prominent element in the view. The cumulative effect resulting from the introduction of the proposed Kirkton development would be limited by the proportion of the turbines that would be seen and the greater prominence of the Armadale proposals should these proceed.</p>								
VP 11 – RSPB	App	High / medium	Negligible	Minor	Not Significant	Negligible	Minor	Not Significant
	THC	High / medium	Negligible	Minor	Not Significant	Negligible	Minor	Not Significant

Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Amended Proposed Development			Combined Development		
			Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
Forsinard Flows Reserve (15.8km to nearest turbine)	<p>THC are in broad agreement with App's LVIA. This viewpoint is located at the platform of a viewing tower, which provides slightly elevated views over the surrounding moorland and flows. It specifically illustrates views that would be obtained by visitors to the Forsinard Flows RSPB Lookout Tower, although the viewpoint is also close the A897 and comparable views would be obtained by people travelling in a northerly direction along this road. All 11 of the proposed turbines would be potentially visible to blade height from this location. From this location, the majority of the proposed development would be screened by a combination of this intervening moorland ridge and commercial forestry. The turbines are closely grouped together and would cluster in views to the north, with the blades overlapping. However, they would occupy a small proportion of the open, expansive view obtained from this location and commercial forestry would limit the extent of the turbines that would be seen. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate</p> <p>Melvich Wind Energy Hub, would be located north of (beyond) Kirkton Energy Park and would extend the influence of turbines visibly further eastward should it proceed.</p>							
VP 12 – Northern Edge of Causeymire (16km to nearest turbine)	App	High	Slight	Moderate	Not Significant	Slight	Moderate	Not Significant
	THC	High	Slight	Moderate	Not Significant	Slight	Moderate	Not Significant
<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the north facing slope of Cnoc nan Gall, to the south of the railway line between Forsinard and Altnabreac stations. It principally illustrates views seen by walkers, but also provides an indication of possible views obtained by train passengers. All 11 of the proposed turbines may be visible from this location, 9 to hub height. The proposed development would be positioned on the far side of a ridge to the north west of this location and to the west of Sletill Hill. The lower parts of the proposed development would be screened by a combination of this intervening landform and the commercial forestry. It would be seen as a line of turbines, with limited overlapping of blades. They would occupy a small proportion of the views from this location. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate.</p> <p>The proposed developments at application stage that are predicted to be visible from this viewpoint are Armadale Wind Farm and Bettyhill Extension. Both these proposed developments are located in the same part of the view as Strathy North and would be seen largely behind this operational wind farm.</p>								
VP 13 – Ben Griam Beg (17.4km to nearest turbine)	App	High / medium	Slight	Moderate	Not Significant	Slight	Moderate	Not Significant
	THC	High	Slight	Moderate	Not Significant	Slight	Moderate	Not Significant
<p>THC are in broad agreement with App's LVIA. This viewpoint is located the summit of Ben Griam Beg. It is representative of views that would be obtained by walkers visiting the summit. The viewpoint's elevation gives rise to open, expansive and panoramic views over the landscape and towards the sea to the north. Views across the lower lying moorland predominate, but these are punctuated by surrounding summits, particularly in relation to distant views. All 11 of the proposed turbines would be visible, to full extent, from this location.</p>								

Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Amended Proposed Development			Combined Development		
			Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
			<p>The proposed development would lie in a gap in the pattern of operational and consented wind farms, with Strathy North, Strathy South, Strathy Wood and Bettyhill lying to the north west and various wind farm sites within Caithness lying to the north east. The proposed turbines would comprise a development of relatively limited size in comparison with the baseline developments. The location of the proposed development differs from the pattern of existing and consented wind farms. However, the separation distance and scale of the expansive, open view in which they would be seen would limit the prominence of the proposed development.</p> <p>This Viewpoint is one of two where NatureScot in their assessment of landscape and visual affects considered that the applicant's assessment of 'not significant' effects, might be an underestimation. Having considered the above, the Council Officers feel that the applicant's assessment of the impacts on receptor's visual amenity is accurate.</p> <p>The proposed developments at application stage predicted to be mainly visible from this viewpoint would be seen in the context of, and/or behind, the existing and consented developments. Therefore, they would result in limited alteration to the overall pattern of wind farm developments seen from this location.</p>					
VP 14 – A836 Forss (19.5km to nearest turbine)	App	High / medium (road users)	Slight	Moderate / minor	Not Significant	Slight	Moderate / minor	Not Significant
	THC	High	Slight	Moderate	Not Significant	Slight	Moderate	Not Significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the A836 near Forss. It is principally representative of views that would be obtained by road users travelling in a westerly direction on the A836, but also reflects views seen from residential properties close to the viewpoint. All 11 of the proposed turbines would be visible, to blade tip height from this location. The view from this location comprises agricultural land, used for pasture. It is an open view across the farmland, with this land use present across much of the view, which extends to a low, horizontal horizon.</p> <p>The proposed development would be positioned on the far side of a landform making up the horizon to the south west of this viewpoint. The majority of the proposed development would be screened by this intervening landform, with only the blades and blade tips of the proposed development visible. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate. The sensitivity of road users is considered to be greater than stated as these in practice, will be most likely to either be local residents or visitors to the area, which are considered to have a high sensitivity as receptors in relation to other viewpoints within the study area.</p> <p>The key proposed development at application stage predicted to be visible from this viewpoint is Armadale Wind Farm. This would comprise a relatively distant wind farm to the west, positioned between Kirkton Energy Park and the turbines at Forss and in front of the two turbines at Bettyhill. Forss Extension 3 would also be visible from this location, it would be located in the context of the existing and consented wind farm development at Forss, reinforcing this pattern of baseline development, with the Baillie and Limekiln Wind Farms the most prominent group of turbines closest to the viewpoint. Bettyhill Extension is also predicted to be visible, but this would be limited to blades or blade tips at a distance of over 30km.</p>							

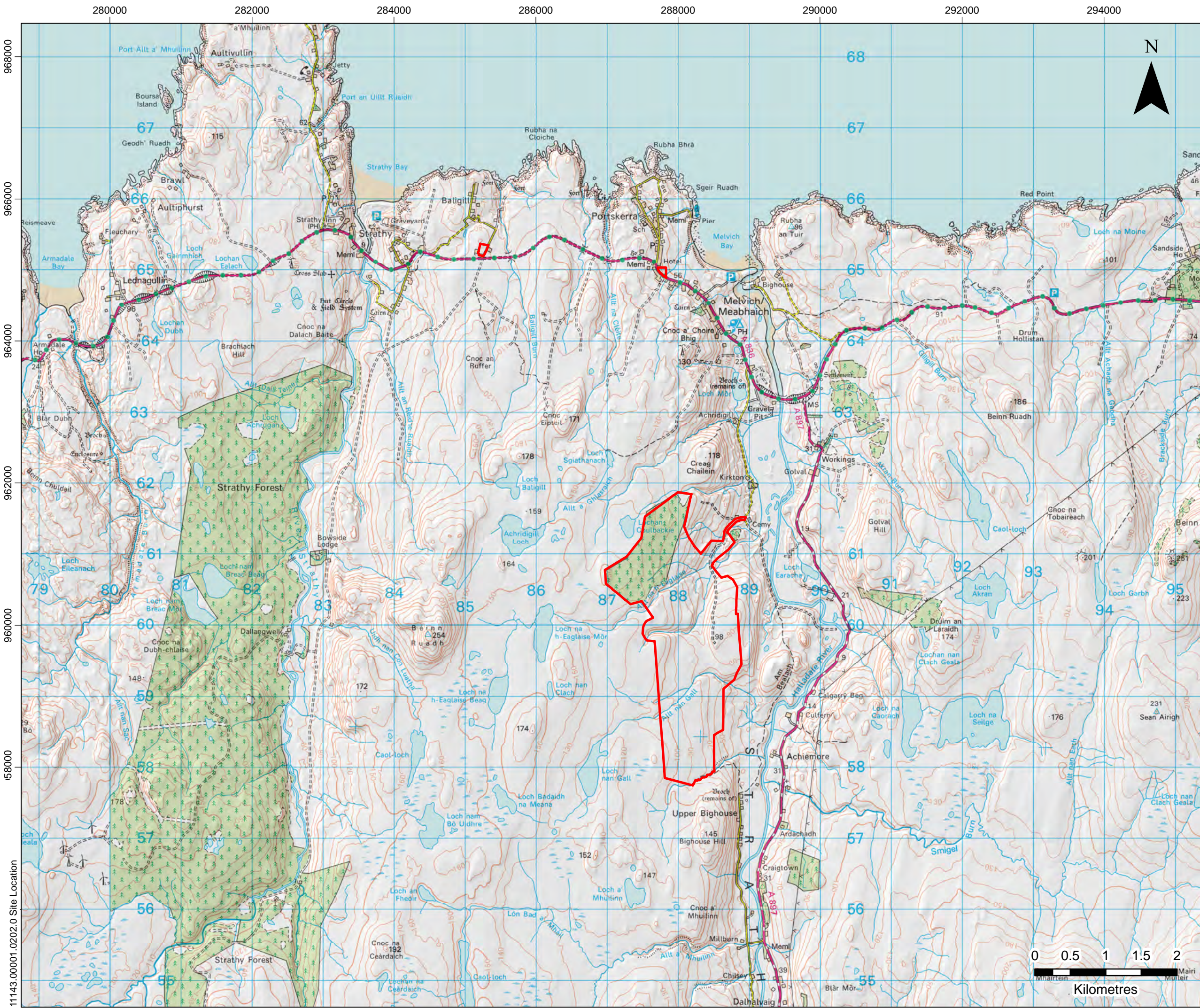
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Amended Proposed Development			Combined Development		
			Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
VP 15 – Ben Alisky (25.4km south of nearest turbine)	App	High	Slight	Moderate / minor	Not Significant	Slight	Moderate / minor	Not Significant
	THC	High	Slight	Moderate	Not Significant	Slight	Moderate	Not Significant
	<p>THC are in broad agreement with App's LVIA. This viewpoint is located approximately 25.4km south east of the nearest turbine of the proposed development at an elevation of 344m AOD on the summit of Ben Alisky. It is representative of views that would be obtained by walkers visiting the summit. All 11 of the proposed turbines would be visible, to at least blade tips. Ben Alisky is a relatively low summit set within the sweeping moorland that dominates the surrounding landscape. Its elevation compared with the surrounding moorland gives rise to open, expansive and panoramic views over the landscape and towards the sea, with the sea being visible to the north and south east. Views across the lower lying moorland with associated open pools of water predominate, punctuated by surrounding summits, particularly in relation to distant views.</p> <p>The proposed development would lie in a gap in the pattern of operational and consented wind farms. However, the separation distance and scale of the expansive, open view in which the proposed development would be seen, limits its prominence.</p> <p>This Viewpoint is one of two where NatureScot in their assessment of landscape and visual affects considered that the applicant's assessment of 'not significant' effects, might be an underestimation. Having considered the above, the Council Officers feel that the applicant's assessment of the impacts on receptor's visual amenity is accurate.</p> <p>The proposed developments at planning application stage from this viewpoint would be seen in the context of and/or behind the existing and consented developments. Therefore, they would result in limited alteration to the overall pattern of wind farm developments seen from this location. Several developments that are at scoping stage would be seen from this location. However, as per the proposed developments that are at planning application stage, these would be seen in the context of the existing and consented developments. The Melvich Wind Energy Hub would be positioned to the right of the proposed Kirkton development.</p>							
VP 16 - Achnahuaigh,	App	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	THC	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	<p>The applicant has concluded that only blade tips of the proposed development would be visible above the intervening landform. Based on this and the EIA Scoping consultation comments, no further assessment has been undertaken for this viewpoint. This approach is not contested.</p>							
VP 17 – Ben Loyal	App	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	THC	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	<p>The applicant has concluded that the proposed development would be visible from this location. However, it would be seen at a distance of over 30km in the context of multiple existing and consented wind farms, being located directly behind Strathy North Wind Farm. Based on this and the EIA Scoping consultation comments no further assessment has been undertaken for this viewpoint. This approach is not contested.</p>							

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			Magnitude of change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major & Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change (Scale / Extent / Duration)	Level of Effect (Magnitude of Change / Sensitivity of Receptor)	Significance
VP 18 – Dunnet Head (36km to nearest turbine)	App	High	Negligible	Moderate / minor	Not Significant	Negligible	Moderate / minor	Not Significant
	THC	High	Negligible	Moderate / minor	Not Significant	Negligible	Moderate / minor	Not Significant
<p>THC are in broad agreement with App's LVIA. This viewpoint is located approximately 36km north east of the nearest turbine of the proposed development at an elevation of 123m AOD at the viewing area at Dunnet Head. It is representative of views that would be obtained by people visiting Dunnet Head, for whom a car park is provided. It is promoted for being the most northerly point in mainland Britain, with associated signage and interpretation. All 11 turbines may be visible from this location, at least to blade tips.</p> <p>The proposed development would comprise a distant element positioned on the far side of intervening landform which forms part of the horizon to the south west of this location. The majority of the proposed development would be screened by this intervening higher ground and it would occupy a small proportion of the expansive view. The proposed turbines would be seen directly in front of operational windfarms and as such, would represent a limited degree of contrast with the pattern of existing wind farm development. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate.</p> <p>Kirkton Energy Park would be located in the same part of the view as the existing and consented Strathy wind farm developments, which combined with the restricted extent of the turbines that would be seen, would limit its contribution to cumulative effects.</p>								
VP 19 – A836, Balmore (15km to nearest turbine)	App	High / medium (road users)	Negligible	Moderate / minor	Not Significant	Negligible	Moderate / minor	Not Significant
	THC	High	Negligible	Moderate / minor	Not Significant	Negligible	Moderate / minor	Not Significant
<p>THC are in broad agreement with App's LVIA. This viewpoint is located on the A836 at Balmore. It is principally representative of views that would be obtained by road users travelling in a westerly direction on the A836, but also reflects views seen from residential properties close to the viewpoint. The Dounreay nuclear site is visible to the west, contrasting with the otherwise rural and coastal scene. It is an open view across the farmland, with this land use present across much of the view, which extends to a low, broadly horizontal horizon. 9 of the proposed turbines would be visible to blade tips from this location.</p> <p>The proposed development would be positioned on the far side of intervening landform, which forms the horizon to the south west of this viewpoint. The majority of the proposed development would be screened by this intervening landform, with only the blade tips of the proposed development predicted to be visible. Overall, the prominence of the proposed development would be limited at this location, particularly in the context of the closer Baillie, Forss and Limekiln wind farm developments. As such, the applicant's assessment of the impacts on receptor's visual amenity is considered accurate.</p> <p>The most relevant proposed developments at planning application stage visible from this viewpoint are Armadale Wind Farm and Forss Extension 3. Armadale Wind Farm would comprise a relatively distant wind farm to the west. Forss Extension 3 would also be visible to the north east from this location and it would be located in the context of the existing and consented wind farm development at Forss, reinforcing this pattern of baseline development.</p>								

Appendix 3 - Assessment against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance

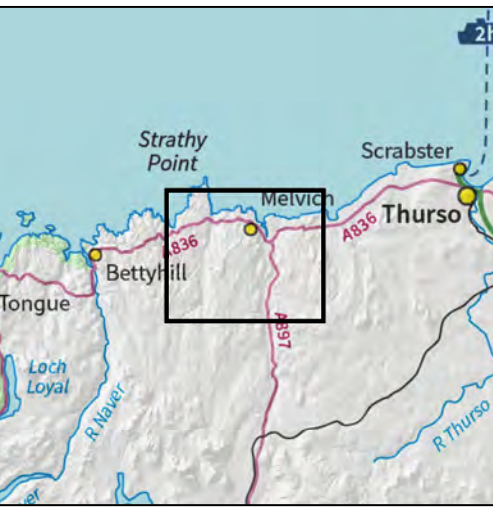
1	Relationship between Settlements/Key locations and wider landscape respected.	<p>Turbines are not visually prominent in the majority of views within or from settlements/Key Locations or from the majority of its access routes.</p> <p>-----</p> <p>The proposals are located approximately 3km from the closest settlement. The proposals does not intervene in the association between settlement and the sea characteristic of the wider area. The proposals would not encircle any settlement.</p> <p>It is considered that the threshold is met.</p>
2	Key Gateway locations and routes are respected	<p>Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes.</p> <p>-----</p> <p>The visual impacts on users of the A836 road, which forms the important North Coast 500 tourist route, are limited by the siting and design of the proposals.</p> <p>It is considered that the threshold is met.</p>
3	Valued natural and cultural landmarks are respected	<p>The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting.</p> <p>-----</p> <p>The siting and design of the proposals results that their impact on the setting of key valued landscapes, landforms and cultural heritage assets.</p> <p>It is considered that the threshold is met, aside from the impacts on the cWHS, as discussed in more detail above.</p>
4	The amenity of key recreational routes and ways is respected.	<p>Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways.</p> <p>----</p> <p>While significant visual impacts will be incurred by users of two core paths, these impacts will be localised.</p> <p>It is considered that the threshold is met</p>
5	The amenity of transport routes is respected	<p>Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes</p> <p>-----.</p> <p>The visual impacts on users of the A836 road, which forms the important North Coast 500 tourist route, and the Far North Rail Line, are limited by the siting and design of the proposals.</p>

		<p>While there are significant visual impacts on the A897 road, these are somewhat mitigated by the design of the proposed windfarm and are considered to be suitably localised in scale.</p> <p>It is considered that the threshold is met.</p>
6	The existing pattern of Wind Energy Development is respected.	<p>The degree to which the proposal fits with the existing pattern of nearby wind energy development, considerations include:</p> <ul style="list-style-type: none"> • Turbine height and proportions, • density and spacing of turbines within developments, • density and spacing of developments, • typical relationship of development to the landscape, • previously instituted mitigation measures • Planning Authority stated aims for development of area <p>-----</p> <p>The scale of the proposals is broadly consistent with other existing windfarms in the wider area. It is effectively spaced from other such developments in the wider area and the design of the array has been considered in relation to siting and visual impact constraints.</p> <p>It is considered that the threshold is met.</p>
7	The proposal contributes positively to existing pattern or objectives for development in the area.	<p>The proposal maintains appropriate and effective separation between developments and/ or clusters</p> <p>-----</p> <p>It is considered that the threshold is met.</p>
8	The perception of landscape scale and distance is respected	<p>The perception of landscape scale and distance is respected</p> <p>---</p> <p>The proposals would be set back from the smaller scale coastal landscape character types. While some significant landscape impacts will be incurred, these are mainly localised.</p> <p>It is considered that the threshold is met.</p>
9	Landscape setting of nearby wind energy developments is respected	<p>Proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines.</p> <p>---</p> <p>The proposals are effectively spaced from other existing wind energy developments in the wider area.</p> <p>It is considered that the threshold is met.</p>
10	Distinctiveness of Landscape character is respected	<p>Integrity and variety of Landscape Character Areas are maintained.</p> <p>-----</p> <p>It is considered that the threshold is met.</p>



LEGEND

Application Boundary



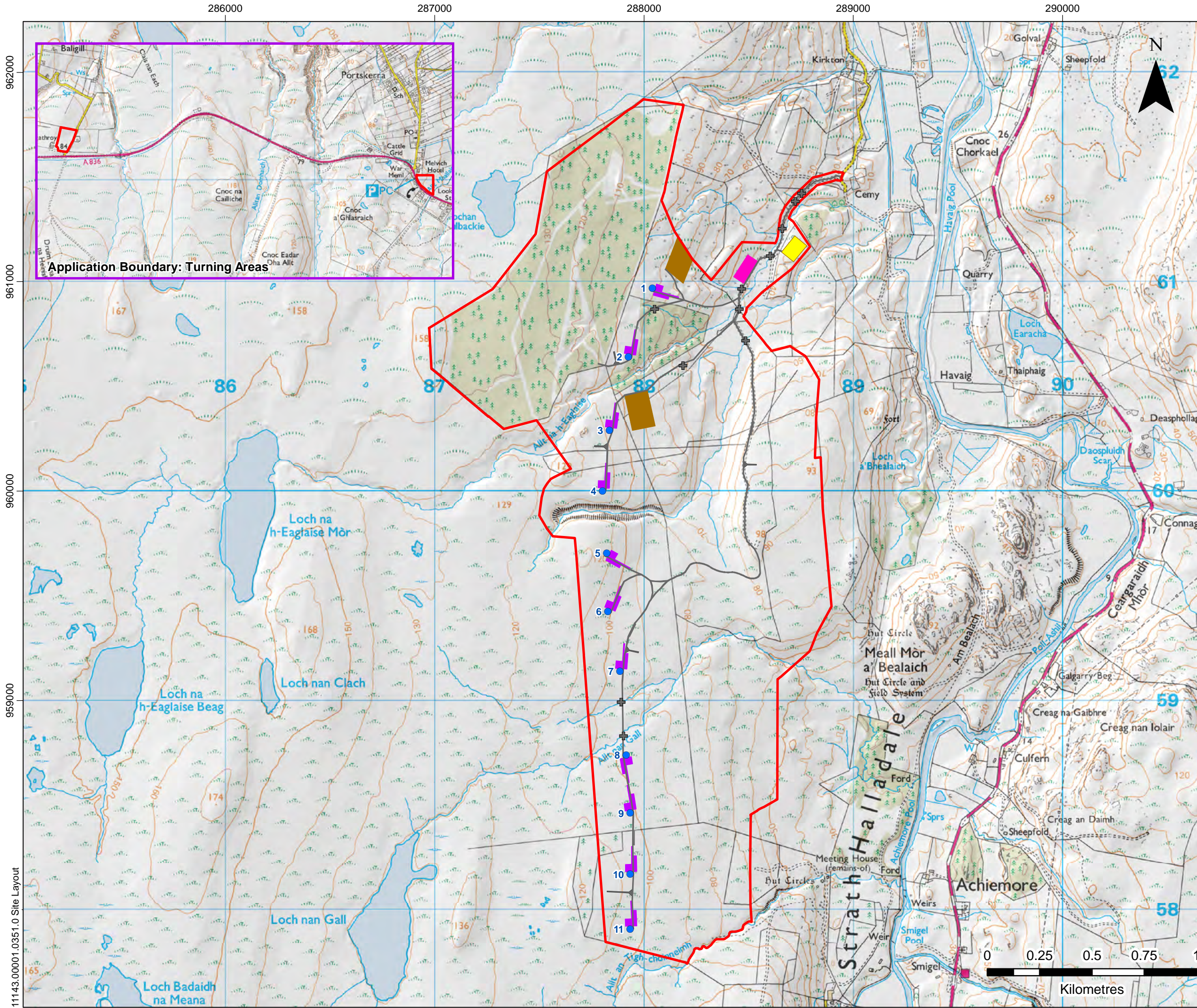
KIRKTON WIND FARM LTD

4/5 LOCHSIDE VIEW
 EDINBURGH PARK
 EDINBURGH
 EH12 9DH
 T: +44 (0)131 335 6830
 www.slrconsulting.com

KIRKTON ENERGY PARK - EIA
 INTRODUCTION
 SITE LOCATION
FIGURE 1.1

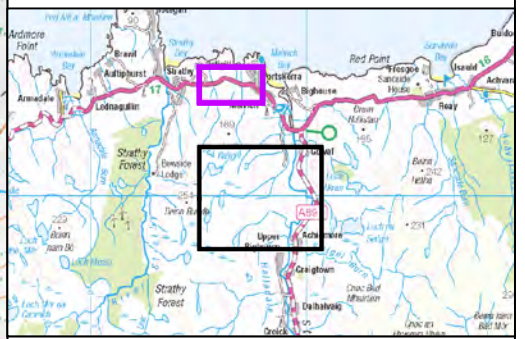
Scale 1:50,000 @ A3 Date NOVEMBER 2022





LEGEND

- Application Boundary
- Proposed Turbine
- + Proposed Watercourse Crossing
- Proposed Track / Turning Head / Passing Place
- Proposed Crane Pad
- Proposed Substation Compound
- Proposed Temporary Construction Compound
- Proposed Borrow Pit



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 EDINBURGH
 EH12 9DH
 T: +44 (0)131 335 6830
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KIRKTON ENERGY PARK

SEI

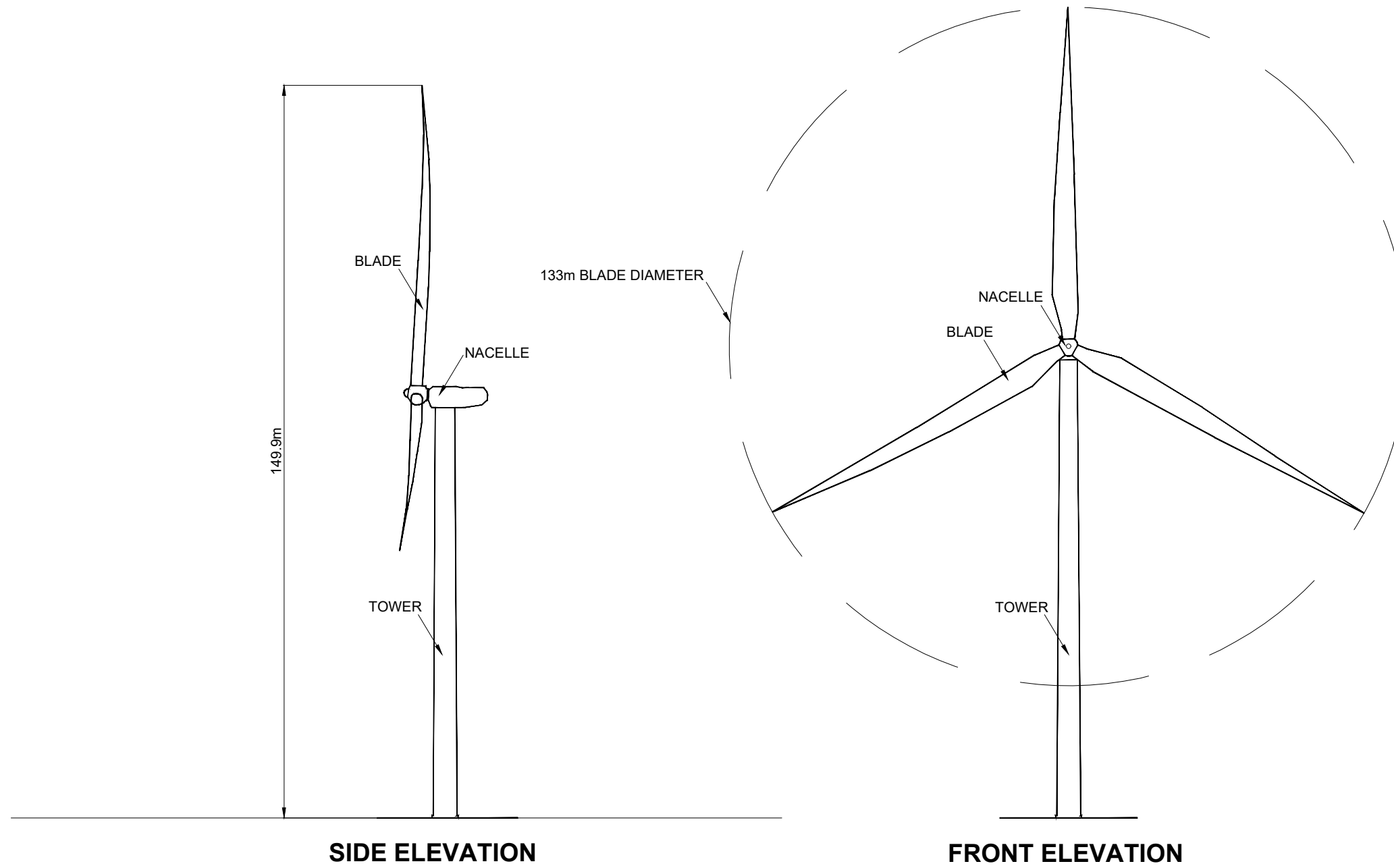
SITE LAYOUT

SEI FIGURE 3.1

Scale 1:17,000 @ A3
Date SEPTEMBER 2023



11143.00001.0351.0 Site Layout



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EDINBURGH
EH12 9DH

T: +44 (0)131 335 6830
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DESCRIPTION OF DEVELOPMENT
TYPICAL TURBINE ELEVATION

FIGURE 3.4

Scale 1:1000 @ A3

Date NOVEMBER 2022